

BOMBAY JAIL MANUAL

CONTAINING THE RULES FOR THE SUPERINTENDENCE
AND MANAGEMENT OF JAILS ~~AND~~

IN THE

BOMBAY PRESIDENCY

PRESCRIBED BY THE GOVERNMENT OF BOMBAY

FIRST LIST OF CORRECTION TO THE BOMBAY JAIL MANUAL
FOR 1911

Chapter II, Rule 5 (2), delete "Ahmedabad"

Chapter II, Rule 5 (1) insert "Ahmedabad" below "Yoravda"

Chapter XVIII, insert the following note to Rule 443 in lieu of the present one:—

"If a prisoner whose appeal is not decided or who has been committed to Prison in default of payment of fine or in default of furnishing security, be transferred to a Prison other than that specified in the warrant, intimation of the transfer should be given to the sentencing Court

BOMBAY

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CHAPTER I

LAWS RELATING TO PRISONS.

1 The law relating to the regulation of prisons in territories under the Government of Bombay and the maintenance of discipline therein is contained in the Imperial Prisons Act No. IX of 1894 which came into force on the first day of July 1894

2 Other Acts and Regulations connected with the administration of the Prison Department are—

(1) Government of India—Act III of 1900—The Prisoners Act also Section 15 of Act V of 1871 (the remainder of this Act has been repealed), which refers to the confinement of State prisoners Act No I of 1903

(2) Regulation XXI of 1827 of the Bombay Code Bengal Regulation III of 1818 and Madras Regulation II of 1819 for the confinement of State prisoners. Government of India Act III of 1858 and Government Resolution, Political Department, No 4990, dated 12th July 1901

(3) Government of India—Act XXIV of 1855—An Act to substitute penal servitude for the punishment of transportation in respect of European and American convicts and to amend the law relating to the removal of such convicts.

(4) Government of Bombay—Act II of 1874—Sections 9 to 16 both inclusive as amended by Act II of 1882 These sections relate to civil prisoners confined in jails outside the City of Bombay

(5) See rules published under Sections 18 and 19 of Act XV of 1869, the Act has been repealed

(6) Government of India—Act XXXVI of 1858—An Act relating to Lunatic Asylums, as amended by Acts XVIII of 1886 and XX of 1889 See also Government Resolution Judicial Department No 1803 dated 3rd April 1889, and accompaniments

(7) Government of India—Act IV of 1909—The Whipping Act. See also Sections 390 to 395 of the Criminal Procedure Code and Bombay High Court Circulars Criminal, Chapter VIII, and Notification No 610 dated 22nd January 1897, in the *Bombay Government Gazette* and Home Department Notification No 350, dated 8th March 1910

(8) Government of India—Act VIII of 1897—The Reformatory Schools Act. See also rules published in Government Resolution No 566 of 17th April 1900 Educational Department also Government Notification No 1640 of 25th September 1901 printed at page 1976 of the *Bombay Government Gazette* of 3rd October 1901 Part I.

(9) Government of India—Act V of 1898—The Criminal Procedure Code as amended up to April 1st 1903.

(10) Government of India—Act XLV of 1860—The Indian Penal Code as amended up to 1st April 1903.

(11) Government of India—Act of 1893—Relative to the execution within British India of capital sentences which have been passed by British Courts exercising in, or with respect to, territory beyond the limits of British India, jurisdiction which the Governor-General has in such territory. See also Notification No. 4220, dated 3rd July 1895, Political Department, published at page 777 of the *Bombay Government Gazette*, and Government Resolution, Judicial Department, No 5196, dated 25th July 1895, and Government Resolution, Political Department, No. 4990 of 12th July 1901

(12) Government of India—Act XIV of 1882—The Code of Civil Procedure

NOTE—The above Acts, Regulations and Government Resolutions, except the Indian Penal Code, the Code of Criminal Procedure and the Code of Civil Procedure, are printed in the Appendix

CHAPTER II.

CLASSIFICATION OF PRISONS

G. R., J. D.,
No 1841,
dated 6th
March 1897.

3. All prisons situate in the territories under the administration of the Government of Bombay shall fall under one of the following classes, namely:—

- (1) Central Prisons.
- (2) District Prisons
- (3) Special Prisons.
- (4) Extra-mural Prisons.

G. R., J. D.,
No 2159,
dated 8th
April 1893

4. Central Prisons shall be divided into two classes. Those Central Prisons which are capable of accommodating 1,000 prisoners and upwards shall be classed as First Class Central Prisons and those capable of accommodating less than 1,000 prisoners shall be classed as Second Class Central Prisons.

G. R., J. D.,
No. 1841,
dated 6th
March 1897

5. Central Prisons shall comprise the following prisons, namely:—

- | | |
|----------------------------------|--------------------------------------|
| (1) First Class Central Prison | ... Yeravda. |
| (2) Second Class Central Prisons | ... { Ahmedabad.
Hyderabad (Sind) |

6. District Prisons shall be divided into four classes. Those District Prisons where the daily average number of prisoners

18 —

G. R., J. D.,
No 2159,
dated 8th
April 1893.

- (1) 500 or more shall be classed as First Class District Prisons.
- (2) 300 and less than 500 shall be classed as Second Class District Prisons.

(3) 150 and less than 300 shall be classed as Third Class District Prisons

(4) 50 and less than 150 shall be classed as Fourth Class District Prisons.

7 The prisons at Thána, Shikarpur and Aden, the House of Correction at Bombay and the Common Prison at Bombay shall be classed as Special Prisons.

G. R., J. D.,
No. 1841
dated 6th
March 1897
and No. 2063,
dated 26th
May 1910.

8 The prisons at Karáchi, Sukkur Dhulia Býápur, Ratnágiri, Dhárwar and Kárwár shall be classed as District Prisons.

G. R., J. D.,
No. 1841
dated 6th
March 1897

9 The Deccan Convict Gang and the Sind Convict Gang shall be classed as Extra mural Prisons.

G. R., J. D.,
No. 1811
dated 6th
March 1897

10 The prisoners to be confined in Central Special and District Prisons shall be prisoners received from the areas for which each of those prisons are Central, Special or District Prisons respectively as described in the statement herein below given:—

G. R., J. D.,
No. 1841
dated 6th
March 1897
and No. 5348,
dated 23rd
August 1901,
and No. 2063,
dated 26th
May 1910

Prison	Area for which prison are Central, Special or District Prisons.
--------	---

CENTRAL PRISONS.

Hyderabad	The Sind Division of the Bombay Presidency The Northern Division of the Bombay Presidency The Central and Southern Divisions of the Bombay Presidency excluding the Districts of Násk, Thána and Kolába.	G. R., J. D. No. 6217 dated 21st November 1900.
Ahmadabad		
Yeravda		

SPECIAL PRISONS

Shikarpur	The Districts of Sukkur Upper Sind Frontier and Larkhán. The Districts of Násk, Thána and Kolába. Aden. The Town and Island of Bombay	
Thána		
Aden		
House of Correction Common Prison		

DISTRICT PRISONS.

Karáchi	The District of Karáchi	
Sukkur		
Dhulia	The Districts of East and West Khándesh.	
Bijápur		
Ratnágiri	The District of Ratnágiri.	
Dhárwar		
Kárwár	The Districts of Dhárwar and Belgam. The District of North Kánara.	

11 The prisoners to be confined in Extra mural Prisons shall be prisoners received by transfer from Central Special or District Prisons

G. R., J. D.,
No. 1841,
dated 6th
March 1897

12 Of the prisoners described in Rule 10 those to be confined in Central Prisons shall be—

(1) criminal prisoners sentenced to transportation penal servitude, or rigorous imprisonment for two years or more

G. R., J. D.,
No. 1841,
dated 6th
March 1897

- (II) criminal prisoners sentenced to death from districts for which no District Prison is provided ;
- (III) criminal prisoners sentenced to terms of imprisonment for less than two years from districts for which no District Prison is provided, and for which there is no subsidiary jail in which they might in accordance with the rules regulating such jail be confined ,
- (IV) criminal prisoners, being Europeans and sentenced to death or any term of imprisonment, provided that if the term of imprisonment does not exceed two months, they may, under the special orders of the Inspector-General of Prisons, be confined in a District Prison ,
- (V) criminal prisoners awaiting their trial at the Court of Session or, when special accommodation is provided, before a Magistrate of those districts for which neither District Prisons nor Subsidiary Jails, nor other places of confinement, where they might, under the rules regulating the same, be more conveniently confined, are provided.

13 Of the prisoners described in Rule 10 those to be confined in Special Prisons shall be—

G R., J D.,
No 1841,
dated 6th
March 1897

(I) criminal prisoners sentenced to death, transportation, penal servitude or any term of imprisonment other than one for which they might be confined in any subsidiary jail under the rules regulating the same, provided that criminal prisoners under sentence of death, female prisoners, and male prisoners being natives and sentenced to a term of imprisonment not exceeding one year shall not be confined in the House of Correction but in the Common Prison, and that male prisoners being natives and sentenced to a term of imprisonment exceeding one year shall not be confined in the Common Prison but in the House of Correction ,

(II) criminal prisoners awaiting their trial before a Court of Session, or, when special accommodation is provided before a Magistrate, provided that there is no subsidiary jail or other place of confinement where they might, under the rules regulating the same, be more conveniently confined, and provided that native criminal prisoners awaiting trial shall not be confined in the House of Correction

G R., J D.,
No 2953,
dated 26th
May 1910

(III) The Special Prison of Shikárpur shall be the Special Prison for the Districts of Sukkur, Upper Sind Frontier and Lárkana (tálukas of Kambar, Lárkána, Rátodero, and Labdárýa).

The Special Prison of Shikárpur shall be used for the reception of prisoners, not being habituals, who have been sentenced to six months imprisonment or less and cannot under existing rules be confined in Third Class Subsidiary Jails

14 Of the prisoners described in Rule 10 those to be confined in District Prisons shall be—

(I) criminal prisoners sentenced to death ,

G. R., J D.,
No 1841,
dated 6th
March 1897.

(II) criminal prisoners sentenced to terms of imprisonment for less than two years and for more than the term for which they might be confined in a subsidiary jail under the rules regulating the same ,

(III) criminal prisoners in transit to Central or Special Prisons, provided that they should not be so confined for more than one month ,

(IV) criminal prisoners awaiting trial before a Court of Session, or, where special accommodation is provided, before a Magistrate, provided that there is no subsidiary jail or other place of confinement where they might, under the rules regulating the same, be more conveniently confined provided always that no European criminal prisoner under sentence of death or under sentence of imprisonment other than that provided for in Rule 12 (IV) shall be confined in any District Prison except the District Prison at Karáchi

15 In these rules, the provisions relating to criminal prisoners sentenced to terms of imprisonment and to criminal prisoners awaiting trial shall be held to apply equally to prisoners committed to or detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898, and to prisoners awaiting enquiry under that chapter respectively

G. R., J. D.,
No. 1841,
dated 6th
March 1897

16 Notwithstanding anything contained in the foregoing rules, natives of India, who have been sentenced to any term of imprisonment by Courts Martial for purely military offences and for whom accommodation apart from other prisoners is required shall not be confined in any prison other than a Central Prison or the Special Prison at Aden

G. R., J. D.,
No. 1841
dated 6th
March 1897

17 European foreigners against whom it is found necessary to take action under section 4 of Act III of 1864 shall be detained in the Yeránda Central Prison

G. R., P. D.,
No. 5870,
dated 30th
Sept. 1896.

18 The Governor in Council is pleased, under the provisions of Prisoners Act III of 1900, to authorize the reception and detention in the Karáchi District Prison of European prisoners sentenced within the Kalat State by British Courts of the Baluchistan Agency to imprisonment or transportation for any offence referred to in that Act. He is also pleased to authorize the reception and detention in the Sukkur District Prison of Native prisoners so sentenced to terms of imprisonment exceeding six months or to transportation. If a convict is sent by a Consular Court in the Persian Gulf under the authority of the Consul General for confinement in the Karáchi Prison the sentence shall have the same effect as if it were passed by a Court in the Karáchi District.

Section 7 of
the Foreign
Jurisdiction
Act of 1890.

19 For the purposes of carrying out capital sentences, which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India, jurisdiction which the Governor-General in Council has in such territory the prison specified in respect of each Court mentioned in the table herein below contained shall be the prison within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send warrants for the execution of capital sentences, and the Superintendent of every such prison shall, on receipt of such warrants from a Court hereby authorized to send such warrants to such prison, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Criminal Procedure Code

G. R., J. D.
No. 5196
dated 25th
July 1900.

Table

From the Court of the Political Resident, Aden	.. Aden Prison.
From the Court of the Political Agent, Akalkot	.. Bijnápur Prison.
From the Court of the Political Agent, Bhor	.. Yeránda Central Prison.
From the Court of the Political Agent, Cutch as the Sessions Judge for the Cantonment of Bhuj	{ Ahmedabad Central Prison,
From the Court of the Political Agent, Kaira	

From the Court of the Political Agent, Khairpur	..	Sukku Prison.
From the Court of the Agent, Mewāsi Estates, West Khāndesh.		Dhuba Prison.
From the Court of the Political Agent, Mahi Kāntha	..	Ahmedabad Central Prison.
From the Court of the Political Superintendent of Pālanpur		Ahmedabad Central Prison.
From the Court of the Political Agent, Phaltan and Aundh		Yerāvda Central Prison
From the Court of the Political Agent, Sāvānur		Dhārwar Prison.
From the Court of the Political Agent to His Excellency the Governor at Surat		Ahmedabad Central Prison.
From the Court of the Political Agent, Surgāna	...	Thāna Prison.

20. Government are pleased to direct that when it is necessary for Political Officers to issue a warrant under section 15 of Act III of 1900, such warrant shall ordinarily be addressed to Superintendents of the Prisons as shown below, the further disposal of the prisoners being left to the discretion of the Inspector-General of Prisons, subject to the general orders of Government —

G. R., P. D.,
No 4950,
dated 30th
August 1898

Political Agents, Kāthiāwār, Cutch, Mahi Kāntha, Rewa Kāntha, Kaira, and Political Superintendent, Pālanpur	Ahmedabad Central Prison.
Agent to the Governor at Surat, Political Agents, Thāna and Janjira	Special Prison, Thāna.
Political Agents, Poona, Sātara, Nāsik, Akalkot, Kolhāpur, and Political Superintendent, Sāvāntwāsi	Yerāvda Central Prison
Political Agents, Southern Marātha Country and Sāvānur	District Prison, Dhārwar.
Political Agent, Khairpur	District Prison, Karāchi.

CHAPTER III

THE INSPECTOR-GENERAL OF PRISONS

21 The Inspector-General of Prisons is appointed, under the provisions of section 5 of the Prisons Act IX of 1894, and he shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons and jails situated in the territories under the Government of Bombay

22 All prison officers are required to obey the rules and orders issued by the Inspector-General in all matters relating to the internal economy, discipline and management of prisons.

G. R., J. D.,
No 6302,
dated 13th
Sept 1894

23 He shall appoint Jailors, Deputy Jailors, European Warders, Stewards and Clerks, and shall require due security for the proper performance of their duties from such of them and in such manner as Government may direct

24. The appointment of a person outside the Department direct to the post of Head Warder requires to be confirmed by the Inspector-General

25. He may direct the suspension or dismissal of any Jailor or other subordinate prison officer for misconduct, and may remove any Jailor or subordinate officer from one prison to

another, should he deem such removal necessary. He shall exercise a complete power of revision over the orders passed by officers in charge of prisons regarding the appointment and punishment of the subordinate officers of their establishments.

26 He has authority subject to the approval of Government, to sanction the employment of extra establishment in any prison in case of urgent necessity.

27 He shall regulate all details regarding the transfer of prisoners sentenced to transportation.

28 All recommendations for the premature release of prisoners other than those released under the remission system, or under the provisions of Rule 117 of this Manual shall be submitted by the Inspector-General of Prisons, with his opinion thereon, for the orders of Government.

29 Subject to the account and service rules for the time being in force the Inspector General shall exercise full and general control over all expenditure in prisons, submitting annually to Government, through the Accountant General a budget of the amount of funds necessary for their maintenance, in such manner and at such times as may be required.

30 All bills for prison expenditure of every description shall be submitted to and audited by him and shall require his sanction.

31 He may sanction any item of expenditure provided in the budget, but the sanction of Government shall be obtained to all special and unusual charges for which *distinct* provision may not have been made or which are newly entered in the budget.

32 He is authorized to sanction expenditure from the discretionary grant annually placed at his disposal for new works and additions to prison buildings to an amount not exceeding Rs. 5,000 for any one work. In the case of new residential buildings or additions or alterations to residential buildings, the sanction of Government is necessary.

No additions and alterations shall be undertaken without the Inspector-General's orders, and no plans or estimates should be obtained without his sanction.

G. R. P. W.
D. No. A—
2303 of 27th
October 1910.

33 He shall issue instructions determining what contracts shall be entered into for prison supplies, and no contract shall be valid until his sanction has been obtained thereto.

34 He shall inspect the yards, wards, barracks, cells and other enclosures in every prison under his control save that of Adon, at least once in every two years and a half and also inspect the gardens attached to prisons. He shall see every prisoner in prison at the time of his inspection and give every prisoner the opportunity of making any application or complaint and shall determine all such as relate to prison discipline. He

shall satisfy himself that all accounts, registers, and other authorized prison books are maintained according to the rules in force for the time being, and that proper arrangements are made for the safe custody of all records.

35. He shall also each year, as far as practicable, inspect the subsidiary jails.

36. He shall submit annually to Government, before the 1st May, a detailed report of the working of the department during the preceding calendar year in such form as Government may direct.

37. The Inspector-General is *ex-officio* visitor of all Reformatories and Lunatic Asylums in the Presidency and Sind.

38. Section 472 of the Criminal Procedure Code provides that the Inspector-General shall once at least in every six months inspect and submit a special report upon every person confined in a prison under the provisions of section 466 or 471 of the Code, and sections 473 and 474 empower the Inspector-General to grant certificates in certain cases. The Local Government can, however, under section 471 (4) of the Criminal Procedure Code, empower the officer in charge of the prison to perform any or all of these functions, and under Government Resolution, Judicial Department, No 8075, dated 20th November 1895, this authority has been so delegated.

39. The Inspector-General shall be the medium of communication between Government and every officer of the Prison Department, and, save in cases specially excepted such as petitions of prisoners, every communication from any officer of the department which is intended for the perusal of Government shall be submitted through him.

40. The following is a list of returns which have to be furnished by the Inspector-General —

TO GOVERNMENT

Half-yearly.

Returns of sanction given to subordinates to keep up camp equipage	Government Resolution, Financial Department, No. 1052, dated 20th March 1894	} 15th January and 15th July.
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Statement of Political Refugees	...	} 1st July and 1st January
---------------------------------	-----	----------------------------

Annually.

Superannuation Statement of gazetted officers and of subordinates over 60 years	Government Resolution, Financial Department, No 2711, dated 1st July 1902	} Not later than one and a half months before the dates on which the officers would, in the absence of special orders, retire
---	---	---

Administration Report of Prisons and Jails.	} Before 1st May— both together
Indent for Europe stores (through the Accountant General)	} 15th May
Estimate of Europe stores	1st August
List of landed property held by officers	In April
List of Casualties among title-holders	In January

TO THE ACCOUNTANT GENERAL.

Annually

Budget estimate of Receipts and Expenditure	} 1st October
Expenditure of Europe stores	15th July
Native States Prisoners' Bills	1st May

TO THE SANITARY COMMISSIONER WITH THE GOVERNMENT
OF INDIA*Monthly*

Sick Returns of Prisoners with an Abstract of Mortality	} 15th of each month
---	-------------------------

Annually

Sick Returns of Prisons with Sanitary Sheets	} 1st March
Abstract of the prison statistics	In April
Health Statistics of Subordinate Jails	In April

THE PERSONAL ASSISTANT TO THE INSPECTOR
GENERAL OF PRISONS

41. The Personal Assistant shall be in immediate charge of the Inspector General's office in all its branches and shall conduct all routine work, signing bills and letters relating to routine matters

CHAPTER IV

GENERAL RULES FOR SUBORDINATE OFFICERS

Sections 8, 9, 10 21, 22 and 54, Prisons Act

42. Every officer shall yield prompt and strict obedience to all orders of his superior officers, and shall treat all superior officers at all times with respect

43. All officers shall be held responsible for being fully acquainted with rules and orders relating to their respective duties, and no plea of ignorance will be accepted as an excuse for neglect.

44. It is the duty of all officers to maintain discipline and order amongst prisoners.

45. The appointment of every officer shall be considered probationary for six months, unless the Inspector-General shall otherwise direct

46. On the appointment of an officer, the rules regarding indebtedness and borrowing money shall be explained to him. He shall be informed that he is liable to be called upon to serve anywhere under the Local Government, and that in the event of his desiring to leave the service, he is bound to give two months' notice, in writing, of his intention. Section 54 of the Prisons Act shall be read to him

47. Every officer on being confirmed in an appointment on the permanent establishment shall be supplied with a Service Book

48. No officer once dismissed from employment in the Department shall be re-employed, and no person who has been convicted of any offence and punished with imprisonment or flogging shall be employed in the Department without the special sanction of the Inspector-General

49. No officer shall strike a prisoner except when compelled to do so in self-defence; nor shall any officer subordinate to the Superintendent punish or direct the punishment of any prisoner. He must never argue with prisoners, nor address coarse or unbecoming language to them. It is the duty of all prison officers to treat prisoners with temper and strict impartiality, to listen patiently to their complaints and grievances, while at the same time maintaining strict discipline and observance of all rules and regulations. It is important that every complaint made by a prisoner shall be heard with attention, in order that, if real, it may be redressed, and that no legitimate cause for discontent may be allowed to remain.

50. No officer shall correspond, or hold any unauthorized intercourse, with the friends or relatives of any prisoner, nor make any improper communication regarding the prison to any person unconnected with the Department

51. All officers are bound—

- (1) to exert the utmost vigilance in the prevention of escapes,
- (2) to prevent to the best of their power the introduction into the prison, and the giving to any prisoner, of any articles except those permitted by rule,
- (3) to prevent any communication between prisoners and outsiders except as permitted by rule

Rules 561, 562, 563

52. An officer observing any person attempting to communicate with any prisoner, or loitering about the prison grounds or mingling with the prisoners while at work or on the march, is bound to report the circumstance to his superior officer without delay

53 No officer of a prison shall be permitted to receive any visitor or friend in the interior of the prison, and no officer occupying quarters attached to the prison shall permit any person, not being a regular member of his family, to live with him, without the permission of the Superintendent

54 No officer shall use tobacco or spirituous liquors within the prison walls.

55 Silence and discipline are to be strictly enforced in the case of prisoners and no subordinate officer is to be permitted to hold any communication with a prisoner further than is requisite to enforce obedience to the prison rules and for the performance of his duty and he is not to be allowed to talk of any official matter whatever in the hearing of a prisoner

56 - All disputes and wrangling about points of duty between officers of the prison are strictly prohibited doubtful questions must be at once referred to the Jailor for the decision and orders of the Superintendent

57 For the following offences a prosecution shall be instituted against the offender unless the Inspector General otherwise orders in which case the offender shall be punished departmentally—

- (1) wilfully or negligently permitting an escape
- (2) giving or attempting to give a prisoner any article not permitted by rule;
- (3) introducing or attempting to introduce or abetting the introduction into prison of any article not permitted by rule
- (4) abetting any communication or attempt at communication without due permission, with any prisoner

Rule 123

58 When an officer has been tried and acquitted by a Criminal Court he shall not be reinstated in the service without the orders of the Inspector General

59 Officers may be punished by dismissal, reduction and fines (recovered by deductions from their salaries) and by suspension, for any breaches of the Prison rules Such offences, with the punishments awarded to be noted in the Superintendent's Order Book No. 12 and in the official's service book All persons affected by such an order are entitled to have a copy of the same, which shall contain full details of the grounds of the decision, duly attested by the Superintendent. In cases of misconduct the procedure laid down in Government Resolution, General Department, No 5905, dated 3rd November 1902, Government Resolution, General Department, No 2749, dated 19th June 1905, Government Resolution, General Department

No 2501, dated 26th April 1906, and Government Resolution, General Department, No. 4493, dated 23rd July 1907, must be followed

Rule 121.

60. No officer shall be punished by the Superintendent in one month with fines exceeding half a month's pay without the sanction of the Inspector-General

61 Appeals from the decision of Superintendent shall lie, to, and be disposed of, by the Inspector-General. Appeals from prison officers still in the Department must be forwarded through the Superintendent

62. Appeals against the decision of the Superintendent shall be submitted within one month of the date of the order appealed against.

63. Subordinate officers are prohibited from taking any part in any joint or combined action in view to agitating for the redress of any grievance or supposed grievance, or for any other purpose whatsoever.

64. All officers shall pay strict attention to cleanliness of person and dress, and shall at all times while on duty wear the prescribed uniform

65. No officer shall employ any prisoner except as provided by rule, on his private account

66. All officers on being relieved from duty shall point out to their successors all matters of special importance and shall explain any directions given by a superior officer.

67. Every officer unable to attend to the regular performance of his duty by illness or any other cause shall give or send immediate notice to the Jailor.

68. Every officer for whom quarters are provided by Government shall live in those quarters, and those for whom no quarters are provided shall live within such a distance of the prison as shall, from time to time, be fixed by the Superintendent.

69. An officer under suspension may be permitted, provided his behaviour is satisfactory, to reside in the quarters allotted to him until such time as he is reinstated or dismissed. He shall during suspension not be permitted to possess a prison key or have access to the prison or prisoners.

70. All officers dismissed, discharged, or allowed to resign their appointments, shall be required at once to quit the prison and the quarters occupied by them, and shall give up any uniform or other Government property entrusted to them.

71. No officer entrusted with keys shall take them out of the prison, leave them lying about, or lend them to any person

on any pretence whatever but he shall when leaving the prison on any occasion deliver his keys to such officer as may be authorized by the Superintendent or Jailor to receive them. The keys when not actually in use shall be worn attached to the waist-belt and not slung over the shoulder. This rule, in so far as it relates to the removal out of the prison of the keys and the manner in which they should be worn, does not apply to the keys which according to the rules, are kept in the possession of the Superintendent and Jailor.

72 Officers may be granted (this rule does not apply to the Medical Subordinate) casual leave to the extent of seven days by the Superintendent. All casual leave in excess of seven days at one time and all other kinds of leave require the sanction of the Inspector-General, except in the case of warders below the rank of Head Warder to whom leave according to the Civil Service Regulations may be granted by the Superintendent. It is to be understood that leave can only be granted when satisfactory arrangements can be made for carrying on the duties of the absentee.

73 Security for the due performance of their duties shall be taken from Jailors Deputy Jailors Head Clerks, and the Steward and the Quinine Clerk of the Yeránda Central Prison and the Head Clerk and Warehouse Clerk, Yeránda Printing Press, and such—with the exception noted below and subject to the reservation that the security may, at the option of the official from whom it is taken be furnished by a monthly cash deduction of 20 per cent. of the man's salary—shall take the form, in each case, of a bond executed by the principal and two sureties for an amount equal to a year's salary, or, in the case of an appointment carrying with it annual increments of pay, an amount equal to a year's mean salary of the officer furnishing the security. In the case of the Steward of the Yeránda Central Prison the amount of security shall be Rs. 3 000. The security in all cases shall be furnished within a month after confirmation in an appointment. Superintendents should enquire annually into the solvency of the securities of their subordinates and report the result to the Inspector-General. When an official elects to give security by bond he will not be allowed, after some interval of time, to change from this form of security to a monthly cash deduction, unless he is prepared to deposit at once such a sum as the Inspector-General may consider reasonable. As to the length of time a security bond should be preserved, see Circular, Financial Department No 3449 of 1890.

G. B., J. D.
No. 6302,
dated 18th
September
1894.

74. The Civil Service Regulations apply to all Prison officers.

CHAPTER V

THE SUPERINTENDENT

Sections 11, 12, 42 and 44, Prisons Act.

75. The Superintendent is vested with the executive management of the prison in all matters relating to internal economy, discipline, labour, expenditure, punishment and control generally, subject to the orders and authority of the Inspector-General.

76. He shall not leave the station, or make over charge of the prison to any person for any period over twenty-four hours without having obtained the previous sanction of the Inspector-General of Prisons to such a procedure. Ordinarily, he shall hand over charge of the prison to the City Magistrate or to the Huzúr Deputy Collector, when invested with magisterial powers, or in those prisons where the Superintendent is not a medical man to the Medical Officer of the prison, in such cases the officer to whom charge is made over shall exercise all the powers of a Superintendent. In special cases, the Inspector-General may direct the Superintendent to hand over charge to the Jailor. (This rule does not apply to changes of appointment ordered by Government.)

77. In cases where the Civil Surgeon is Superintendent of the prison and he has to proceed on tour for a period exceeding twenty-four hours, he shall report his departure and return to the Inspector-General of prisons, stating, in the former case, to whom he has handed over charge.

78. The Superintendent shall make himself acquainted with the provisions of all Acts and Rules relating to prisons, and a Superintendent of a Central Prison and a Resident Superintendent of any prison should, as a rule, within twelve months of his appointment be able to converse freely in the vernacular with an unlettered peasant of the district and understand vernacular correspondence when read to him.

79. He shall adhere to all rules himself and shall require obedience to them from the officers of the prison and from the prisoners.

80. He shall, save in emergent cases, transact all business connected with the prison within its precincts.

81. He shall visit the prison at least once every working day shortly after sunrise and in any case before 10 A.M., and on Sundays if necessary.

82. He shall see every prisoner in solitary and separate confinement at least once a day, and on Sundays if necessary.

83. He shall visit the prison hospital frequently, and see that proper arrangements are made for the safe custody of the sick prisoners and others, and that the discipline is maintained, as far as is consistent with the medical treatment prescribed.

84 He shall inspect the barracks, yards, cells, cook rooms, latrines, and every part of the prison once a week on uncertain days. He shall also occasionally inspect the quarters of the subordinate officers. He shall frequently visit the prison garden, and shall see that the vegetables supplied to the prisoners are perfectly fresh and wholesome

85 He shall hold a weekly inspection of all prisoners on Saturday or Monday (the day should be laid down in Register No 12) before 10 A.M. and enquire of the prisoners whether they have any complaints or applications to make (Rules 245 480)

86 He shall at least once a fortnight visit the prison during the night and shall record such visit in Register No 12, Superintendent's Order Book

87 In case a Superintendent is unable to attend the prison on any week day, he should on his next visit make an entry in the Superintendent's Order Book Register No 12, stating briefly the cause of his absence

88. He shall be present whenever a corporal punishment awarded by him, is inflicted and whenever a capital sentence is carried out.

89 The Superintendent shall every day or at frequent intervals personally check each fresh entry in the Register of Convicted Prisoners, No 3, and shall see that for each entry therein a corresponding entry has been made against the proper date in the Release Diary, No. 4, and that in the case of the prisoner obtaining a remission of sentence or receiving any additional sentence while in prison the entry in the release diary is transferred to the correct date. He shall be held personally responsible for the correctness of the entries in both the Register of Convicted Prisoners and the Release Diary, as well as for any illegal detention of a prisoner that may result from neglect of this rule.

90 He shall once a month, but not always on a fixed day or at the same hour, see all the prisoners in the prison counted, and personally ascertain and satisfy himself that all prisoners who ought to be in the prison are actually there.

91 He shall satisfy himself that the registers and books are written up that the cash balances correspond with those entered in the books that the daily entries are made in the day books and that outstandings are not allowed to accumulate. He shall take particular care that all items of money received or collected on behalf of the prison are brought to account at once and that the securities deposited are in proper order. Recoveries on account of the sale of prison manufactures shall, if they exceed Rs. 10, be forwarded to the Treasury every Monday morning or if the Treasury be closed on that day, on the next following day when it is open. He shall be answerable for all prison property stores and monies, and shall be held responsible for

any defalcations on the part of any member of the prison staff, if it be shown that such defalcation was rendered possible by negligence of this or any other rule on his part. This rule in no way affects the individual responsibility of members of the prison establishment

92 The registers which usually require the Superintendent's daily attention, and in case of any entries, his initials, are detailed below —

- No. 1 — Undertrial Register.
- No. 2 — Prisoner's Private Property Register
- No. 3. — Convicted Prisoners' Register.
- No. 4. — Release Diary.
- No. 5 — Employment Register.
- No. 6 — Remission Register
- No. 12 — Superintendent's Order Book
- No. 13 — Jailor's Report Book
- No. 14 — Visitors' Book
- No. 15 — Diet Register
- No. 16 — Prison Cash Book
- No. 25. — Prison Factory and Extramural Labour Account
Cash Book

93. He shall satisfy himself, at least monthly, that the term of credit allowed to purchasers of factory articles is not exceeded. He shall also see that, at the time of purchase, the full name, rank and residence of customers are entered in the books. Ordinarily all purchases should be for cash, but, in the case of well-known persons, the Superintendent may allow credit for not more than three months (Rule 178)

94 He shall see that all expenditure on account of the prison is met either from the permanent advance or money drawn on abstracts from the Treasury and not from any private funds

95 He shall himself keep the key of the prison cash chest, and shall on no account entrust it to the Jailor, except under the special orders, in writing, of the Inspector-General

96. He shall once a month satisfy himself that all money, given to the Jailor or Steward for the purchase of articles required for the prison has been properly disposed of and duly accounted for, and that all money transactions connected with the prison and prison factories have been brought to account.

97. He shall cause a notice to be posted outside the prison, in English and in the language of the district, that the prison authorities will not be responsible for the payment of any articles supplied to the prison unless supplied on the written orders of the Superintendent, and that the Superintendent is alone empowered to grant receipts for money paid to the prison for goods purchased from it, and that no receipts granted by any other prison official will be regarded as valid.

98. He shall, as far as circumstances will admit, cause all bills to be paid in his presence to the party supplying goods to the prison and shall not entrust this duty to the Jailor.

99 He shall promote the utmost economy in every department, and carefully examine all demands or indents before passing them or submitting them for sanction

100 He shall every six months* examine all stores ammunition, machinery plant, tools raw material manufactured article* live and dead stock, appertaining to the prison and satisfy himself that he has on the premises stock and plant equivalent to the balance shown in the account on the date of the inspection. After each examination he shall submit a report to the Inspector-General showing the result thereof. He shall also frequently inspect all stock and other property of Government in the prison immediately and any deficiency or irregularity that may be detected shall be reported at once.

101 He shall see that no expenditure on dead stock articles above the value of rupees twenty is incurred without first obtaining the sanction of the Inspector General.

102. No article of dead stock is to be written off the prison registers until the sanction of the Inspector General in the prescribed form has been received

103 When any article is lost or damaged or becomes unserviceable through the neglect of any prison official, the matter shall be at once reported for the orders of the Inspector General

104 Articles which become unfit for use, shall be carefully put aside in a spot selected for this purpose until orders are issued by the Inspector General for their disposal

105 The date on which each article is set aside as unserviceable shall be at once noted in the Dead Stock Register No 24

106 The Superintendent shall see that the Jailor brings forward, for periodical inspection such stores and articles of clothing and bedding &c, as are unserviceable or irreparable, in order that they may be condemned or disposed of, and no article shall be condemned or disposed of without the written order of the Superintendent, or, when necessary, the sanction of the Inspector-General

107 He shall carry into effect the written directions of the Medical Officer for separating prisoners labouring under infectious or contagious diseases or suspected thereof and shall immediately give directions for cleaning and disinfecting any places occupied by such prisoners, and for washing, disinfecting, fumigating, or destroying any foul or suspected apparel or bedding

108 He shall carry into effect the written requisitions of the Medical Officer as to the supply of any additional bedding or clothing or alteration of diet for any prisoner, or with respect to any alteration of discipline or treatment in case of any

prisoner whose mind or body appears to require it, or who appears to be injuriously affected by the discipline.

NOTE —If in the interests of discipline the Superintendent does not concur with any recommendation of the Medical Officer, he shall refer to the District Magistrate or the Inspector-General

109. He is required to issue such instruction as will prevent prisoners from being employed in any position where their lives may be endangered, and, in communication with the Medical Officer, to exercise discretion in proportioning the amount and description of labour to the physical powers of the prisoner.

110. When the officer in charge is also a Medical Officer, the instructions contained in the three foregoing rules shall be simply entered in the Superintendent's Order Book, No. 12, for the guidance of the Jailor.

111. When an outbreak of cholera or of any epidemic disease of a contagious nature occurs in a prison, the Superintendent shall at once submit a report of the case to the Inspector-General, and forward a daily report so long as the disease lasts or it is present amongst the prisoners. A report, on the occurrence of an outbreak, shall also be made to the District Magistrate and to the Sanitary Commissioner, Bombay, and in Sind to the Deputy Sanitary Commissioner (Rule 874q)

112. On the occurrence of epidemic disease he may relax the rules for exacting hard labour. Such other measures as regards extra clothing, diet, and sanitary matters which the Medical Officer may advise shall be adopted (Rule 874 i)

113. He shall on all occasions be ready to receive and enquire into any complaint and listen to any application from a prison officer or from a prisoner.

114. He shall, if practicable, read or cause to be read in his presence every letter addressed to, or written by, a prisoner, marking *all* such letters with his initials. (Rule 826.)

115. He shall use his discretion in communicating to, or withholding from, a prisoner at any time the contents of any letter addressed to such prisoner, but all cases in which he may think it proper to withhold a letter, which, according to the rules, may be communicated to, or written by, a prisoner, the fact shall be noted in the Superintendent's Order Book, Register No. 12.

116. He shall enter in the Superintendent's Order Book, Register No. 12, any instance in which he may think fit to refuse an interview to the friends of a prisoner and the cause thereof, if the prisoner is entitled under the prison regulations to such interview (Rule 831)

117. He shall forward to Government direct, with a covering letter in English and without delay, all petitions addressed to Government by prisoners under sentence or committed for intermediate custody in the prison. (Rule 840)

118 He shall enter in the Superintendent's Order Book, Register No 12, all his orders relating to the management and discipline of the prison

119 He shall lay down in writing, in Register No 12, the duties of each subordinate more especially those employed in the prison office, so that the responsibility for errors in the books and returns may be fixed

120 The Superintendent is empowered to fill up vacancies in the native warder staff and to make promotions therein. The appointment of clerks and of an outsider direct to the post of head warder requires the sanction of the Inspector-General

121 He shall have power, in case of misconduct, neglect of duty or breach of jail rules, to fine, reduce, or suspend any subordinate, and to dismiss any subordinate whom he is empowered to appoint, subject to appeal to the Inspector General, who shall pass such final orders as he may deem fit. In the case of the Medical Subordinate suspension shall only be resorted to in extreme cases and with the knowledge of the Medical Officer. In case of the dismissal of any subordinate, except those employed on the temporary establishment, the charge, defence, and cause of dismissal shall be recorded in writing. The dismissal of any subordinate in superior service requires the sanction of the Inspector General. Suspensions as a specific punishment shall be avoided and resorted to only in extraordinary circumstances. The practice of inflicting heavy fines should also be avoided, a small deduction from pay being generally a sufficient deterrent; nor should the frequent infliction of small fines be adopted. An officer against whom a succession of offences is recorded should, after due warning be reduced or discharged. Jailors and Deputy Jailors shall not, as a rule, be punished by fine. Whenever Superintendents have occasion to reprimand officers of any grade for laxity or other fault in the performance of their duties, they shall invariably make an entry of the same in the Superintendent's Order Book, No 12 (Rule 59)

122 The Superintendent shall not, unless there is a likelihood of the offender absconding before the reply of the Inspector General can be received, undertake or enter into the criminal prosecution of any subordinate officer or other persons connected with the prison without first submitting a full and detailed report of the case, with the evidence adduced to the Inspector General for instructions or sanction

123 He shall, at least once a week inspect the provisions furnished for the prisoners and satisfy himself by personal observation regarding the quality of the different cereals and other articles of food supplied for their use. He shall also occasionally test the weight of the cooked food of the prisoners. An entry of the result of the inspections of the food and scales shall be entered in Register No. 12. He shall visit the prisoners as often as possible at meal-times and receive and enquire into any complaints that may be made to him regarding the quantity and

quality of rations. The growth of condiments required for the prisoners' diet and the storage of vegetables shall receive his special attention. Food should be inspected in bulk at the cook-house or during distribution to prisoners. It is useless to examine samples of food. (Rules 666, 667, 676 and 677.)

124. He shall, whenever tenders for provisioning the prisoners are being called for, see that the notice for such is given every publicity, and he shall arrange that the tenders shall be in the hands of the Inspector-General by the 15th March or earlier, and when submitting the same express his opinion thereon as to the desirability of accepting or rejecting any tender (or bid if the contract is sold by auction) or tenders.

125. He shall see that no more than the authorized percentage of prisoners are employed as prison servants, and shall not permit any prisoner to be employed in any private capacity either for himself or any other person, except as provided by rule.

126. He shall enforce the highest possible degree of cleanliness in every part of the prison and also with respect to the persons of the prisoners, their clothing, bedding and everything in use.

127. He shall require every precaution necessary to be taken for preventing escape, and shall cause a daily examination to be made of the doors, windows, bars, bolts, locks, &c. He shall withdraw from use any locks the keys of which have been lost, mislaid or tampered with.

128. He shall require a report to be made to him, at the hour of locking up the prisoners for the night, that they and all officers for duty are present, and that everything in the prison is correct or otherwise.

129. He shall direct that the prison gates be locked for the night, and the keys of the outer gates placed in the hands of the proper person, authorized by him by an order in Register No. 12 to receive them, and no ingress or egress shall be permitted without his orders, except to duly authorized persons, between the hours of locking up at night and unlocking in the morning.

130. He shall see that a notice is placed in some conspicuous place near the prison gate (the notice to be printed in legible characters in English and in the vernacular of the district), cautioning persons from bringing or attempting to bring spirits, opium, tobacco, letters, or other prohibited articles into the prison or giving or attempting to give such articles to prisoners outside the prison. He shall further notify in a similar manner that no person other than an officer or visitor of the prison shall communicate, or attempt to communicate, with a prisoner by word of mouth or otherwise except—

(a) with the permission of the Superintendent, or

(b) in writing transmitted through that officer.

He shall in accordance with section 13 of the Prisons Act, apprehend or cause to be apprehended any person so offending or who may attempt by any means to so offend (Rule 485)

181 He shall apply for permission to defend a suit brought against Government by a private party, and no suit shall be instituted on behalf of Government without the express sanction of Government.

182 He shall freely communicate with the Inspector-General

*Escape, suicide out breaks, unusual behaviour, violent deaths, serious accident, serious breaches of prison discipline such as grievous assault and determined attempt to escape receipt of gangs of specially dangerous prisoners, &c.

in all matters relating to the prison, apprising him of any occurrence* of importance, and in case of any emergency not sufficiently provided for in the rules, he shall apply to him and conform to his orders, acting in the meantime to the best of his judgment

183 In the event of a change in the Superintendentship of the prison the officer making over and the officer receiving charge shall make a joint report to the Inspector-General of their having done so and the officer who has received charge shall, within one month, bring to notice any irregularities in the books or elsewhere which he may have detected. A charge report shall also be sent to the Accountant General together with the acknowledgment of the receipt of the permanent advance.

CHAPTER VI

THE JAILOR.

Sections 8, 16—20 24, 25, 27(2), 41 68, Prisons Act

184 The Jailer shall record in Register No 18 Jailer's Report Book, all reports and other matters requiring attention, and this register shall be placed by him before the Superintendent at his daily visit to the prison.

185 He shall reside at the prison in the quarters provided for him.

186 He shall control the whole of the subordinate prison establishment under the orders of the Superintendent, and shall assist the Superintendent on all occasions and see that his instructions are carried into effect.

187 His first duties are to secure the safe custody of prisoners and to enforce discipline among subordinates and prisoners.

188. All subordinate officers are under the immediate control of the Jailer whose lawful orders they shall obey implicitly. The Medical Subordinates shall be equally subject to his orders in all matters not immediately and directly connected with the medical treatment of the sick.

139 He shall diligently observe the behaviour of all the subordinate officers as well as that of the prisoners. He shall see that they strictly adhere to the rules, and shall report immediately to the Superintendent any neglect or misconduct that may come to his knowledge.

140. He shall be responsible to the Superintendent that the details of duties connected with order and discipline, both internally and externally, are carried out with promptness and regularity and in strict accordance with the regulations.

141 He shall be responsible that all members of the subordinate establishment are mustered morning and evening and are properly dressed, and that they understand the duties assigned to them.

142. He shall see that all subordinate officers and servants are fully instructed in their particular duties, and that they keep the required registers and records, that they duly observe the character and industry of the prisoners, and make the required daily and other reports in a proper manner.

143. He shall see that all warders invariably sleep in the quarters allotted to them, and shall occasionally call the warders out at night and ascertain that none have left the prison premises without permission.

144. The Jailer is authorized to grant leave of absence from the prison to any subordinate officer without the sanction of the Superintendent, but such leave shall not extend beyond four hours, and during the subordinate's absence the Jailer shall be held personally responsible for the due performance of the absentee's duties.

145 He shall not permit any person, not a prisoner nor prison official, to remain for the night within the prison. Nor shall he allow any subordinate officer or servant, occupying any quarters attached to the prison, to have any person, not a member of his family, sleeping in his quarters without special leave from the Superintendent.

146. The Jailer shall have power to remove any visitor other than an official or non-official visitor on duty whose conduct is improper and to search any person suspected of bringing forbidden articles into the prison.

147 He shall be responsible that the prescribed registers, records, and books of accounts are correctly kept and brought up to date, and that a correct inventory of all clothing, bedding, dead stock articles, &c, is kept in the prison office. He shall be especially responsible for the correctness of the entries in the Release Diary. (Rules 356, 359)

148 He shall be present on the reception of a prisoner into prison, and shall see that the warrants and other papers are correct and according to the prescribed form. He shall see that the prisoner is searched for prohibited articles, that his private property is taken from him and properly valued and brought to

account, and that his descriptive roll is correctly made out. He shall explain or cause to be explained to all newly admitted prisoners the acts the commission of which constitutes a breach of prison discipline the punishments which may be awarded for such prison offences and, if a prisoner is to be placed on the remission system, the advantages to be secured by good behaviour (Rules 158, 362)

149 He shall be responsible for the safe custody of all warrants and other documents committed to his charge and the strict enforcement of their terms. There shall be a separate box or press with a good English lock provided in each prison for the safe keeping of the warrants, the key being always kept in the Jailer's own possession. The box or press for keeping the warrants shall be divided into separate compartments one for each month of the year and one for prisoners to be released in subsequent years, the warrants shall be arranged according to date of release and deposited in the compartments of the months in which the prisoners are to be released.

150 He shall be responsible for the safe custody of the private property of prisoners.

151 He shall as soon as possible after the admission of a prisoner send him before the Medical Officer for examination. In the case of a female prisoner this examination shall be held in the female ward.

152 He shall visit the extramural working parties and shall record each visit in the Jailer's Report Book, No 13.

153 He shall at least once a week visit the wards and cells at uncertain hours during the night and shall enter his visit the next morning in Register No 13.

154 He shall frequently inspect every part of the prison especially the cells and bedding see that they are clean and in order and that the means of security in the different barracks yards and workshops are effective, and shall at uncertain times once a week search or cause to be searched every prisoner's person clothing and bedding and see that there are no prohibited articles hidden away or anything that can assist in escape. The date of this search shall be recorded in Register No 13.

155 He shall assign to each prisoner his work, subject to the control of the Superintendent, and shall see that the task is properly exacted, and that all changes of labour are recorded in the history ticket.

156 He shall also superintend generally the distribution of the working parties when proceeding to their appointed labours and shall be careful that they are despatched with regularity and without loss of time. He shall occasionally check their numbers during the hours of work and on their return to their barracks. In wet weather he shall see that necessary measures

are taken for having the clothing of the prisoners dried, and that those prisoners who are exposed to rain have such extra clothing as may be ordered

157. He is responsible for the safe custody of prisoners. He shall be present at the counting and locking up at night and opening of the wards in the morning, and shall at least once a day see that all the prisoners are counted and that their number is correct, and that any prisoner who complains of being ill is brought before the Medical Subordinate without unnecessary delay.

158. He shall at the weekly parade muster all the prison subordinates, and examine every prisoner, and shall certify in the Jailor's Report Book, No. 13, to the following points:—

1st.—That the fetters of every prisoner in irons are secure and clean,

2nd.—That every prisoner in irons has, if necessary, a pair of leather garters,

3rd.—That every prisoner has his body and history ticket,

4th.—That every prisoner has his authorized quantity of clothing and bedding and that they are clean and in good order,

5th.—That the Jailor has read out the prescribed circulars about remission rules, rewards, punishments and escapes

(Rules 148, 362.)

159. He shall check daily the returns of the rations and compare those of the preceding day with the actual total number of prisoners. He shall also generally superintend the arrangement for the regular messing of the prisoners and distribution of their meals, and shall see that each prisoner receives his proper ration.

160. He shall check all demands for clothing, and shall be held responsible that no extra clothing is issued without the authority of the Superintendent. He shall see that all clothing and bedding is brought on the books before being issued to prisoners, and that a proper stock is maintained

161. He shall enforce the greatest economy and shall give his particular attention to all matters of detail connected with the interior economy of the prison. He shall bring to the notice of the Superintendent any circumstances which may require attention, with a view to check unnecessary or improvident expenditure.

162. He shall take care that the prisoners' clothing is in proper repair, that their hair is kept properly cut according to the rules, and that their washing, shaving, and bathing is satisfactorily attended to. (See Rule 363)

163. He shall at once communicate to the Superintendent every circumstance, which may come to his knowledge, likely to affect the security, health or discipline of the prisoners, the efficiency of the subordinate officers, or which may, in any other way, require the attention of the Superintendent.

164 He shall not directly or indirectly have any interest in any contract or agreement for the supply of the prison, nor shall he receive directly or indirectly, under any pretence whatever, any fee or gratuity or present from any person supplying or tendering supplies for the prison nor from any prisoner or prisoner's friend nor from any person visiting the prison

165 He shall take care that every article or food supplied for the use of the prisoners is sound and of good quality and shall superintend the issue of the rations.

166 He shall be responsible that the godowns, etc., are kept in proper order and all stores properly and systematically arranged therein

167 He shall be responsible that the scales weights and measures in use in the prison for the use and distribution of provisions, stores, and raw materials, etc., are accurate and in proper order (Rules 680, 681, 682)

168 He shall deliver to the Medical Officer a list of such prisoners as are confined in punishment cells and are on penal diet

169 He cannot of his own authority, except in case of urgent necessity, place any prisoner in irons or under mechanical restraint; and if he does for the above reason place a prisoner in irons or under mechanical restraint he shall enter the circumstances in Register No 13

170 He has no power to punish a prisoner or subordinate members of the establishment, but shall report any misconduct on their part to the Superintendent

171 He shall see that no ladders, planks, ropes, chains implements or materials of any kind likely to facilitate escape, are left unnecessarily exposed or without surveillance at any time in the yards; all such articles as well as tools of all kinds when not in use must be kept in their appointed places.

172 He shall take care that no rubbish is piled against any of the walls or allowed to remain in the yards and that all refuse matter and sullage water is immediately removed.

173 He shall adopt proper precautions against fire and see that all drains and openings are properly secured

174 He is responsible for the proper working of the prison factory

175 He shall have charge of the garden and be responsible for a regular supply of good fresh vegetables throughout the year and for the cultivation of a sufficient number of lime, tamarind, mango and other anti-scorbutic fruit trees. He shall, with the permission of the Superintendent be supplied with vegetables for his own consumption free of charge.

176 He shall not leave the prison without the written permission of the Superintendent, but should any emergency require him to do so, he shall at once make an entry in the Jailer's Report Book, Register No. 13, of the reason of his absentsing himself without previous permission, and shall, on all occasions before leaving the prison, make over formal charge of it to the next subordinate officer. (Rule 152)

177 It is his duty to bring to the notice of new Superintendents existing rules and orders

178 It is his duty to bring to the notice of the Superintendent, with a view to a report being made to the Inspector-General, any cases of bad debts owing to the factory He shall in the first week of each month make a report in Register No 13, as to what outstandings are due over the credit limit of three months and shall obtain the orders of the Superintendent (in writing) as to the steps which should be taken to recover such debts.

179. When a Jailer takes leave (other than casual leave), resigns, is discharged, suspended, or otherwise quits his appointment, he shall be required, in making over charge to his successor, to give a detailed account of all property, stores, etc, in hand, and to furnish a balance sheet, which shall be kept in the prison records, a copy being furnished to his (Jailer's) successor, the Superintendent satisfying himself that the account is correct in every respect After allowing time for all due enquiry, which shall not be less than a month from the date of the Jailer's leaving the prison, if the Superintendent be satisfied of the correctness of the accounts, he may furnish the Jailer, should the latter require it, with a certificate that no demands or liabilities are outstanding against him in that prison. In the case of a Jailer's death, the inventory shall be carefully made by, or under the directions of, the Superintendent, and the certificate shall be granted and security given up after reference to the Inspector-General and on the application of the heirs or executors of the deceased This rule may be suspended in the case of a Jailer who takes privilege leave for not more than two months, but in such a case the Jailer who takes leave shall be pecuniarily responsible for the stores, etc, during his absence, and the burden of proving the responsibility of his *locum tenens* for any loss shall lie with him

CHAPTER VII

THE DEPUTY JAILOR

Section 20 Prisons Act

180 The Deputy Jailer is subordinate to the Jailer

181 He shall be competent to perform any duties required of a Jailer, and shall undertake whatever portions of the latter's duties are delegated to him under proper authority

182 In prisons where there is no Deputy Jailer the Head Clerk or some responsible official may with the sanction in writing of the Inspector General, take the place of the Deputy Jailer

183 The Superintendent shall lay down in Register No 12 Superintendent's Order Book, a list of the duties, which shall be performed by the Deputy Jailer, care being taken that he is allotted a fair share of the work, and that those portions of the work for which he is most suited are assigned to him, and also that he has an opportunity of learning all the duties expected of a Jailer

184 The following is a list of the duties which it may be convenient to delegate to the Deputy Jailer :—

- (1) The superintendence of the admission and search of prisoners.
- (2) The custody of prisoner's private clothing
- (3) The custody of the clothing store, the issue of fresh clothing and the maintenance of the clothing registers.
- (4) The storing of all raw materials and dead stock.
- (5) The supervision of the cleaning of the grain.
- (6) The weighing and distribution to the cooks of rations, and the examination of the cooked food
- (7) The supervision of the carrying out of punishment diets.
- (8) The mustering of warders at morning and evening parade
- (9) Charge of factory
- (10) Keeping No. 27 Register

185 On every alternate Sunday the Deputy Jailer shall relieve the Jailer altogether and officiate for him On such occasions and also when the Jailer is absent on leave, the Deputy Jailer shall have all the powers and responsibilities of the Jailer

186 The Deputy Jailer shall visit the prison at night once a week, and shall record such visit in the Jailer's Report Book, Register No 13

187 He shall, with the permission of the Superintendent, be allowed vegetables, free of charge, from the prison garden for his own consumption

188. He shall reside in the quarters provided for him at or as near the prison as possible and shall not absent himself from duty except during the time fixed by the Superintendent The written permission of that officer is necessary in all cases of absence, save as provided in Rule 144, which exceed the daily routine periods. The Jailer and Deputy Jailer shall not both be absent at the same time.

CHAPTER VIII

THE WARDERS

European Warders

189. The appointment of European warders shall be made by the Inspector-General and shall, as a rule, be limited to the Yelaoda Central Prison and the Bombay House of Correction

190. European warders shall provide themselves with the prescribed uniform at their own cost

191. European warders are subordinate to the Jailor

192. No European warder shall appear in the prison without his uniform, nor without a baton slung from his wrist by a leather strap

193. European warders shall not, as a rule,⁷ be employed in the prison office. At the same time they shall be allowed opportunities to make themselves acquainted with the prison registers and accounts.

194. They are expected more particularly to note the conduct of every prisoner under their charge, and, from time to time, to bring to the notice of the Superintendent and Jailor such prisoners as become expert workmen as well as those who are orderly and industrious,⁸ reporting at the same time those who are idle or badly behaved.

195. If practicable, one European warder shall sleep at the main gate at night and shall visit at least twice during the night at uncertain times every barrack and each sentry and watchman, and ascertain that the prisoners are secure and the guards on the alert. He shall on the following morning enter in the Jailor's Report Book, No 13, any unusual occurrence that may have happened during the night.

Warders.

196. The appointment and promotion of warders is vested in the Superintendent.

197. Except in the case of men who have served in the army, every warder recruit shall be between 18 and 25 years of age, of robust constitution and good physique, be at least 5 feet 4 inches in height with a chest measurement of 31 inches, and must consent to undergo vaccination.

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198. The payment of the actual travelling allowance of a prison official on a pay of less than Rs. 10 per mensem on joining his first appointment in Government service from a district other than that in which he is appointed to serve is allowed.

199 Every warder shall be provided with uniform and he shall at all times, whilst on duty, be properly and cleanly dressed in his uniform and shall wear his belt and carry a baton. He shall on no account wear the uniform when off duty except when coming from or returning to his quarters.

200 The warders shall have assigned to them from time to time the immediate charge of such prisoners and of such parts of the prison as the Jailor, under the orders of the Superintendent, may direct.

201 The posts and duties of warders shall be frequently changed so as to prevent the warders from forming permanent relations with the prisoners.

202 Warders in charge of work sheds shall be responsible for all tools and property kept in them.

203 It shall be the duty of all warders—

- (1) Not merely to prevent escape, but also to aid their superior officers in seeing that prisoners conform to the rules of the prison, that they industriously apply themselves to their work, that they do not waste material and that they complete their allotted tasks.
- (2) To stand or walk whilst on patrol duty, and on no consideration to take off the belt or lie down whilst on duty.
- (3) To treat prisoners with humanity and bring their complaints and grievances to the notice of their immediate superior with as little delay as possible.
- (4) To bring to notice any signs of sickness amongst the prisoners.
- (5) To report to the Jailor if an uncomplaining prisoner appears to be passing into a failing state of health, or if a prisoner's state of mind appears in their opinion to be weak and uncertain.
- (6) To see that each prisoner, on leaving or returning to his barrack or cell has his clothing and feeding vessels, and wears in the assigned place his body ticket.
- (7) To count the prisoners made over to them and to declare the number to the officer distributing the prisoners.
- (8) To know the number of prisoners in their charge; to count their prisoners at least twice during their turn of duty, and to satisfy themselves that they have the correct number in their custody.
- (9) To keep a list of tools delivered to prisoners on proceeding to work in the morning and on their leaving off work in the evening to count, examine, and return

the tools into store, reporting any deficiency immediately to the Jailor.

- (10) To search all prisoners of their gangs at the time they are made over to them, likewise before they give over charge of them to any other person, and at such other times during their watch as may be necessary, and to report the discovery of any forbidden articles upon any of the prisoners in their charge or on their beat.
- (11) To report all cases of idleness and short work amongst convicts sentenced to labour
- (12) To prevent all unnecessary talking, laughing, singing, playing, or quarrelling and other unseemly behaviour.
- (13) To prevent the use of or possession by prisoners of tobacco or any articles not permitted by rule, to see that prisoners in the prison garden do not steal vegetables or fruit, and that they drink no water except that set apart for their use.
- (14) To see that the prisoners march two by two when moving from one place to another, and that they do not leave their proper places or loiter about the prison or place at which they may be working
- (15) To see that no prisoner leaves the enclosure in which he is confined without authority, nor communicates with any prisoner with whom he has no proper concern.
- (16) To see that no dirt or litter is allowed to lie about the prison, and that the wards, cells and drains are kept clean, and to report sweepers who neglect their work.
- (17) To report prisoners urinating or defecating in the drains or in any place other than the places provided for the purpose, and to bring to the notice of the Jailor any prisoner who goes to the latrine at unauthorised times
- (18) To see that any prisoner who has occasion to leave the gang for any purpose whatever is made over to the charge of a responsible officer whilst away from his gang
- (19) To see to the cleanliness of the persons, clothes bedding, rings, fetters, plates and cups of the prisoners in their gangs. To see that the prisoners bathe only at the appointed time, and that the bedding is aired according to orders.
- (20) To report any plots against the prison authorities for the purpose of escaping, assault or outbreak, or for

obtaining forbidden articles To report every breach of prison rules.

(21) To report any defect in locks, bolts or bars, and any tampering with these articles or keys.

(22) To keep all keys entrusted to them on their person, and not to leave them lying about.

(23) To report any case of wilful injury to prison clothing or property

(24) To prepare prisoners for muster and for parade, and to see that each prisoner comes to his place in proper order, behaves well, and keeps silent.

(25) To see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food, and that no prisoner gives his food to another to report any cook who gives a short allowance or favours a prisoner by giving more than the allowance

- (26) To report immediately to the Jailor the fact of any prisoner being missing

(27) To keep their uniforms in good order

204 Warders shall be mustered when coming on duty and when being relieved they may be searched at such or any other time in the presence of the Jailor or Deputy Jailor, but not, except in a case of emergency in the presence of prisoners

205 They shall, on being relieved, explain their duties to the relieving officer, and both delivering and receiving officers shall count the prisoners and examine all fastenings in their charge. The responsibility of a warder on duty shall not cease until he is properly relieved.

206 Warders have power to handcuff and confine if necessary, refractory prisoners, but must bring the matter to the notice of their superior officers without loss of time

207 They shall not be absent from their quarters during the night without leave from the Jailor

208 The quarters of warders and the area surrounding them are to be open for inspection when required. They shall always be kept clean and tidy

CHAPTER IX.

THE MATRON OR FEMALE WARDER.

Section 24, Clause (3), Prisons Act.

209. In every Central, Special and District Prison there shall be a matron or a female warder who shall be classed as a subordinate officer.

210. Subject to the general control of the Superintendent and Jailor, the matron shall have entire care and superintendence of the female prison.

211. The matron shall be present at the opening of the wards and the mustering of female prisoners on the morning of each day. She shall likewise be present at locking-up at nights, and she shall see that every prisoner is present. During the day she shall have the custody of the keys of the wards, cells and yards in which female prisoners are confined, and at night, after locking up, she shall deliver them to the Jailor to be kept with the other prison keys.

212. During the absence of the matron, the assistant matron or, if there is no assistant matron, a female convict officer shall carry on the duties.

213. The matron shall see that the female prisoners are cleanly in their person and clothes, that they have the regulation amount of clothing and bedding, that their clothing and bedding are properly aired, that they wear the body ticket in the place assigned for the same, and that, in the case of their being sentenced to labour, they perform the tasks allotted to them.

214. She shall maintain order and discipline in the female prison, and shall see that the wards are thoroughly cleaned and purified as soon as the prisoners leave them in the morning, and that the latines, cells, and other parts of the female prison are kept clean and tidy.

215. She shall take care that no male prisoner enters the female prison, and that no female prisoner leaves it, unless accompanied by a duly authorized prison officer. The removal of female prisoners from the female prison, except for the purpose of release, or under the Prisoners Act III of 1900, should be avoided.

216. The matron shall search all female prisoners on admission, and remove all prohibited articles found on them. Money or other property delivered with them or found with them on admission should be handed over to the Jailor. She may likewise search any female prisoner at such time as she may consider necessary or when directed to do so by a superior officer. Female prisoners shall be searched by females only.

217 She shall carefully supervise the distribution of the food to the female prisoners and see that each receives her proper rations. She shall report to the Superintendent any instance in which the food is bad, badly cooked or is insufficient in quantity.

218. When a female prisoner is detained in a cell in the female enclosure the matron or female warder shall always be present in the enclosure with the cell key in her possession to attend to the prisoner's wants and to keep her under obstruction.

219 If at any time a female prisoner is sentenced to confinement in a cell and through unavoidable circumstance there is no female in the ward to whom the key of the cell can be entrusted during the night the prisoner shall be removed from her cell during the night hours.

^c *Note.*—Rules *15 and *10 do not apply to a leper prisoner

CHAPTER X

THE GATE KEEPER.

Section 21, Prisons Act

220 In every prison one of the warder staff shall be detailed to perform the duties of gate-keeper. The person so selected must be able to read and write.

221 The gate-keeper shall be in charge of the main gate of the prison and shall never, under any pretext leave his post till relieved by another officer. He shall during the day retain charge of the keys of the gates; during the night the keys shall be delivered to the care of the Jailor. (Rule 129)

222 He shall be responsible that no one enters or goes out of the prison gate except the recognised prison officers official and non-official visitors persons holding a pass from or accompanied by the Superintendent or Inspector General prisoners accompanied by a superior officer and persons accompanied by the Jailor or the Deputy Jailor with the permission of the Superintendent. He shall be furnished with a list of visitors entitled to enter the prison.

223 The main gates shall not be opened during the day except at such times and for such special purposes as may be laid down by the Superintendent, and during the night only in case of emergency.

224 Under ordinary occasions, and for ordinary purposes ingress or egress of all persons having business in the prison shall take place through the wicket door and one gate shall never be unlocked until the other is securely shut. In the

work of opening and shutting the gates the gate-keeper may be assisted by a convict officer.

225. He shall be most careful to prevent the embezzlement of prison property, or the admission of any prohibited articles, such as tobacco, opium, drugs of any kind, razors, knives, nails, money, letters, or any improper articles whatever, and shall allow no factory articles, raw materials, stores, tools, etc., to pass the gate without an order in writing from the prison official responsible for these articles.

226. To enable the gate-keeper to enforce these regulations, he is authorized to search all persons passing in or out of the prison except those whose names are included in the list of visitors with which he is furnished, or such other persons as may be exempted by the Superintendent's order, and the higher officers of the prison, such as the Jailors, the Deputy Jailor, European warders, head warders, Medical Subordinates, and clerks, shall ordinarily be exempt from search.

227. If the gate-keeper has any reason to believe that any prison officer exempt from search is introducing or removing articles which ought not to be taken into or out of the prison, he may detain the person between the gates, and shall give immediate notice to the Jailor, who will himself make the search. The gate-keeper may search any cart, bundle or goods entering or leaving the prison.

228. He shall keep in his own handwriting Register No 11, Gate Register—a continuous diary of all that happens at his post—and shall enter therein the names of every person entering or leaving the prison, the total number and the register numbers of every gang of prisoners passing in and out, with the name of the officer in charge, as complete and accurate a list as practicable of the articles taken in and out, and in each case the hour of entry or exit. This register shall be placed weekly before the Superintendent for his initials.

229. He shall carefully file all passes for articles sent out of, or brought into, the prison, as well as any passes for admission presented by visitors.

230. He shall keep in his charge the spare lanterns and torches for any emergency, and shall hand over the same to the warder on duty at the gate at night. A lamp shall invariably be kept burning throughout the night at the main gate. In the passage between the main gates shall be kept the following articles —

The prison clock

A key box with a lock fixed to the wall.

A standing desk for the gate-keeper's books and writing materials.

A stool for the gate-keeper.

One non cham. (Rule 472)

CHAPTER XI

THE CLERKS

231 The clerks shall keep all books accounts etc., under the orders of the Superintendent and immediate supervision of the Jailor

232. Clerks shall if necessary, attend on Sundays. When any clerk's work is in arrears he shall be compelled to attend on holidays until such time as his work is brought up to date.

233 The duties and hours of attendance of each clerk shall be entered and the books kept by him detailed, in the Superintendent's Order Book No 12, a copy of which order shall be hung up over each clerk's desk. The Head Clerk will be held responsible that the books, papers, files etc are kept properly arranged, and that the office is kept clean and in proper order. He shall bring to the notice of the Jailor or Superintendent any arrears or irregularities in the work of the office which may in any way come under his observation

234 Candidates shall not be allowed to serve in prison offices without the sanction of the Inspector General

235 The employment of convicts as clerks in prison offices is permitted. With the sanction of the Inspector-General, they may be employed in writing appeals for prisoners and copying letters reports returns statistical statements and rolls, but they must not on any account be allowed to have access to the warrants, admission and discharge registers, prisoners' property register, cash books or ledgers. Rule 719

236 Convict clerks shall not be allowed to enter the prison office. They must write in a verandah or gateway or other place where they can have no access to warrants, registers or account books, and where they are constantly under supervision

237 Convicts guilty of forgery fraud, or breach of trust shall not under any circumstances be employed as writers. No prisoner shall be employed as a convict clerk until he has completed one-fourth of his sentence.

CHAPTER XII

THE MEDICAL OFFICER.

*Sections 13 to 15, 24 (2) & (3) 26, 29, 35 (2) & (3) 37 & 38
Prisons Act*

238 The Medical Officer in cases where he himself is not the Superintendent, is subordinate to the Superintendent of the Prison except as regards the medical treatment of the sick and he is under the general control of the Inspector-General of Prisons.

239. The duties of a Medical Officer shall embrace every matter affecting the health, physical and mental, of the prisoners and the general hygiene of the prison, especially as regards diet, clothing, work and punishments, as well as the treatment of the sick. He should inspect all rations consumed in the prison.

240. If prevented from attending to his duties by illness or any other cause, he shall communicate the circumstance to the Superintendent, and, if need be, to the Inspector-General of Prisons, and give the name of the Medical Officer or Medical Subordinate who is to officiate during his absence. The officer so placed in charge may exercise all the powers of a Medical Officer.

241. During the absence of the Medical Officer of a prison for a short period, the powers and duties conferred on him may be, with the approval of the Inspector-General of Prisons, exercised and performed by the Medical Subordinate of the Prison.

242. The Medical Officer shall ordinarily correspond with the Inspector-General through the Superintendent.

243. He shall visit the sick in hospital daily before 10 A.M. The treatment of the sick is the personal duty of the Medical Officer and shall not be delegated to a subordinate. When great sickness prevails or the severity of the cases requires it, the Medical Officer shall visit the prison as many times daily as may be requisite for the efficient discharge of his duties.

244. If he is unable to visit the prison on any day from sickness or other causes he shall record the fact and the cause of it in Register No. 34, Medical Officer's Journal, on his next visit.

245. He shall visit the prison daily, and every part of it at least once a week and oftener in times of unusual sickness, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners, and especially that the ventilation and cleanliness of the barracks, yards and latrines, etc., are provided for and properly attended to, according to the rules laid down under the head of conservancy, and that cleanliness of the persons and clothing of prisoners is observed. He shall also, at the Superintendent's weekly inspection referred to in Rule 85, see every prisoner in confinement and carefully examine each one, paying special attention to any signs of a scorbutic, or anæmic tendency, of any falling off in condition, or of any skin diseases. The result of the inspection shall be recorded in Register No. 34, Medical Officer's Journal. Occasionally the sleeping wards should be visited just after they are opened out in the morning, to see whether the air is foul or the temperature unduly high.

246. He shall visit once daily, and oftener if necessary, the prisoners in solitary confinement and those on penal diet, and shall report at once in writing to the Superintendent the necessity for the removal of any prisoner from the cells on account of bodily or mental infirmity.

247 He shall report in writing to the Superintendent, for communication to the Inspector-General of Prisons any circumstances connected with the sanitary condition of the prison, or the treatment of the prisoners, which shall at any time appear to him to require consideration on medical grounds and shall bring to the notice of the Superintendent any practices acts or omissions which he may consider to be objectionable on sanitary grounds.

248 He shall report to the Superintendent in writing the appearance of any epidemic or contagious disease likely to assume an epidemic form and any irregularities in the hospital or any other part of the prison which may come to his knowledge in connection with his medical duties or the sanitary arrangements in force, making at the same time suggestions for their correction. The appearance of epidemic disease of a contagious nature shall also be notified to the Surgeon General, the Sanitary Commissioner and the Director, Bombay Bacteriological Laboratory, Parel.

249 He shall examine every convicted and under trial prisoner within twenty four hours of admission into the prison and until certified by him that the prisoner is fit to be received among the other prisoners, the newly-admitted prisoner shall be kept separate.

250 He shall carefully examine the bodies of under trial prisoners on admission and record in Register No 1 their weight and state of health and whether there are any marks of violence. Should there be any, he shall carefully specify in the Register the number and position of the marks on the prisoner's body, which are at all indicative of recent violence. A copy of this entry in the Register shall in each case *whether there be marks or not*, be forwarded with the accused to the Court before which he next appears. If there be marks of violence, a copy shall also be transmitted immediately to the Magistrate of the District or in Bombay City to the Chief Presidency Magistrate.

251 He shall see that the rules regarding the vaccination of prisoners appearing in Chapter XXXIV of this Manual are rigidly adhered to and that all officers and their families residing on the prison premises have been vaccinated.

252 He shall enter in Register No 35 Health Register, the state of health, and class of labour (hard, medium or light), for which the prisoner is physically fit. If the prisoner appears sick, the Medical Officer shall direct his removal to the prison hospital or into quarantine and shall note in the remark column anything abnormal in the prisoner's condition. When forming an opinion of the physical fitness for labour of a convict on his admission into prison the Medical Officer should take into account the convict's previous occupation mode of life, health of the locality in which he has resided abundance or scarcity of food in that district, the state of his muscles and limbs and any signs of constitutional or mental weakness. At the same time the Medical Officer should not lose sight of the possible

good effect of judicious exercise and suitable labour for prisoners of weakly constitution.

253. He shall satisfy himself that the weighing of all prisoners is carried out fortnightly and that no prisoner is employed on work for which he is unfit. He shall also see that all prisoners losing weight are paraded apart from the others, so that their cases may receive special attention both from himself and the Superintendent. He shall from time to time examine the prisoners while at work, and any prisoner who appears to be suffering in health from the kind of labour on which he is employed shall be removed therefrom and not again employed on like labour until the Medical Officer certifies his fitness for the same.

254. Whenever the Medical Officer shall have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by the discipline or treatment observed in the prison he shall, after careful scrutiny (as convicts are prone to feign insanity), report the case in writing to the Superintendent, accompanied by such suggestions as he may think the case requires. The Superintendent shall thereupon in regard to such prisoner alter or suspend the discipline, and regulate the prisoner's work accordingly.

255. Prisoners discharged from prison if labouring under any contagious or dangerous disease, shall ordinarily be removed to the nearest charitable dispensary, until they are in a fit state to be sent home. In case removal would endanger life, the prisoner may, but only with his own consent, be detained in the prison hospital (see section 26 (3), Prisons Act). (Rule 415)

256. The Medical Officer shall advise the Superintendent as to the hours of rest for the convicts and the means to be taken for their protection from cold or wet.

257. He shall see that the hospital books, registers and returns are properly kept and shall daily initial such as are necessary.

The registers requiring his attention are :—

No. 34. Medical Officer's Journal.

No. 35. Health Register.

No. 36. Register of sick (with index)

No. 37. Convalescent Register (with index)

No. 38. Register of extra diet given to prisoners.

No. 39. Requisition Book

No. 40. Register of hospital outward letters

258. He shall in Register No. 34, Medical Officer's Journal, enter all recommendations he has to make relating to the health of a prisoner or the prisoners generally, the result of his weekly and other inspections, and all suggestions regarding the general sanitary state of the prison for the information and guidance of

the Superintendent, and shall arrange that such are placed before the Superintendent

259 He shall keep a record in the form supplied (Form C M 16) of all cases, except those of a trivial and ordinary nature. He shall see that a bed ticket (Form C. M. 22) is placed over the cot of each patient

260 He shall give directions in writing for immediately separating from the other prisoners any prisoner having, or suspected of having, infectious, contagious, or mental disease, and for cleaning and disinfecting any places occupied by such prisoners as well as for cleansing, disinfecting, or destroying any infected bedding or clothing

261 He shall be responsible that every prisoner transferred or removed for any purpose, is in a fit state to undertake the journey required of him and shall certify at the foot of the nominal roll that the prisoners are fit for transfer on the date of their departure. He shall see that sick prisoners are provided with proper diet for the journey

262 The Medical Officer shall have a perfectly free hand in the medical treatment of the inmates of the hospital whether sick, convalescent or under observation but he should maintain as strict discipline as may be compatible with their state of health and should allow no undue indulgence or laxity. He should be specially on his guard against malingerers who try to get into hospital either for a mere change, or to be with friends, or to obtain extra diet, etc

263 In treating weakly, convalescent, and old prisoners the following points should be attended to —

(a) They should form a separate class apart from the other prisoners

(b) They should be allowed extra clothing and bedding at night and, if necessary a blanket and extra clothing during the day

(c) They should sleep in cells and barracks where the ventilation can be controlled

(d) If necessary, extra and varied diet should be granted to them

(e) Care should be taken that the old men have easy access to urinals during the night. Rule 840

264 He shall apply to the Superintendent for convict hospital attendants whenever he requires them. In the event of a prisoner who is seriously ill in prison having a relative also in prison, the latter may be allowed at the discretion of the Superintendent to attend on the patient

265 Except in cases of urgent necessity which shall be reported to the Inspector-General, no sick persons other than prisoners shall on any account be admitted into the prison hospital for treatment

266. In all fatal cases *post-mortem* examinations should, if possible, be made, and the result noted, with a brief account of the general health of the prisoner at the time of his admission into prison, the nature of the work on which he had been employed, and his illness and punishments during the whole period of imprisonment, and any remarks the Medical Officer may think necessary to offer on the nature and cause of the disease and on the general clinical features of the case with an account of the appearances after death

267. He shall examine all candidates for employment, such as subordinate officers or servants of the prison, who may be sent to him for that purpose, and certify whether they possess the necessary qualifications as to health and strength, and their capacity to perform the duties likely to be required of them

268. The Medical Officer shall attend at all times on receiving information of the serious illness of a prisoner or officer or the family of the latter

269 He shall attend all prison officials and their families who reside on the prison premises. He may, however, depute the Medical Subordinate to attend all slight cases among the subordinate officials. Medicines required for the treatment of prison officials and their families may be supplied from the prison store

Note — Jail officials attached to First and Second Class Subsidiary Jails and who reside in Jail quarters are entitled to all the privileges granted in Rules 268 and 269. Where no Hospital exists in such a Subsidiary Jail the medicines should be supplied from the Civil Hospital free of charge.

270 He shall be responsible for the proper expenditure of all medicines and other medical stores. He shall from time to time examine all the medicines kept in store, in order to assure himself of their purity, and he shall regularly check the accounts of bazar medicines

271 He shall be responsible that all European medicines, instruments, etc, debited to the prison, and all bazar medicines and medical stores charged in the prison accounts, are duly and faithfully expended for the use of the prison.

272 Orders for extra diet, whether for prisoners in or out of hospital, and all other articles required for the sick shall be signed by him. He shall satisfy himself that his orders in this respect are carried out without any delay and that the wants of newly admitted sick prisoners are at once attended to. The diet of prisoners in hospital will be entirely under the Medical Officer's control and he may also order any change of diet which he may consider necessary for any particular prisoner. The diet of the entire prison can only be changed by the Superintendent on the recommendation of the Medical Officer during the prevalence of epidemic disease, or in case of emergency. Any such action shall be at once reported to the Inspector-General

273. Opium is not to be given to a prisoner except on the written orders of the Medical Officer

274 Except under the special circumstances mentioned in the following rule, no corporal punishment for a prison offence shall be inflicted on any prisoner until he has been examined by the Medical Officer and certified by him to be in a fit state to receive such punishment. A similar certificate must be obtained before any prisoner is punished with short diet or solitary confinement.

275 Corporal punishments may be carried out under the certificate of the Medical Subordinate, who for this purpose is appointed a Medical Officer under Section 62 of Act IX of 1894 if the Superintendent considers it desirable that the flogging should not be delayed till the arrival of the Medical Officer.

276 The Medical Officer shall pay special attention to the quality and quantity of the water-supply of the prison, and shall, if the water supply is from a source which is not periodically analysed once a year, send samples to the Chemical Analyzer with the Government of Bombay for analysis. The result of the analysis shall be reported to the Inspector General.

277 He shall advise the Superintendent as to the class of vegetables, condiments and anti-scorbutic fruits that should be grown in the prison garden.

278 He shall occasionally visit the prison cemetery and see that it is in proper order and shall also examine sites in the immediate neighbourhood of the prison with a view to the selection of suitable camping grounds in the event of an outbreak of cholera or other epidemic disease.

279 The Medical Officer shall inspect all new cells, wards and other buildings and shall certify whether they are in all respects, fit for the occupation of prisoners or not.

280 Whenever the mortality in a prison during any one month exceeds one per cent. he shall record in the Monthly Sick Return his explanation of the cause of excess, adding any observation he may have to offer thereon, and in any cases of unusual sickness or mortality he shall make a special report on the subject for transmission to Government through the Superintendent and the Inspector General.

CHAPTER XIII

THE MEDICAL SUBORDINATE

Section 3 (5) of Prisons Act

281 Medical Subordinates attached to prisons shall draw the pay of their grade and they shall not be permitted to engage in private practice without the sanction of the Surgeon General with the Government of Bombay.

282 Medical Subordinates shall be appointed and removed by the Surgeon General, or the Principal Medical Officer, Sind

District, and can only be punished by fine or granted leave, other than casual leave, with the sanction of the officer by whom they are appointed.

283 Allowances have been sanctioned, as under, to Medical Subordinates of the grade of Sub-Assistant and Assistant Surgeons doing duty at the following prisons :—

Name of Prison	Allowance	Remarks.
Yerrada (Central), Assistant Surgeon	Rs 20	
Do Sub-Assistant Surgeons	{ 15 } 10 } 25	
Ahmedabad (Central)	{ 12 } 8 } 20	
Hyderabad (Central)	{ 12 } 8 } 20	
Common Prison, Bombay ...	{ 10 } 10 }	
House of Correction, Bombay, Assistant Surgeon	30	
Dhula, Sub-Assistant Surgeon	10	
Bijapur	10	
Deccan Gang	13	Two Sub-Assistant Surgeons.
Dharwar	10	
Karwar	6	Karwar Sub-Assistant Surgeon of Civil Hospital
Ratnagiri	6	
Thana	15	Ratnagiri Sub Assistant Surgeon of Lunatic Asylum.
Karachi	15	
Shikarpur	15	
Aden	6	Aden Sub Assistant Surgeon of Civil Hospital
Sind Gang	15	
Sukkur	15	

284. It must be understood that the grant of the allowance in the preceding rule is entirely discretionary with the Inspector-General, it is a reward for good service and reducing sickness and mortality. These allowances in the grant of which the Inspector-General will of course be largely guided by the reports of the Medical Officers, shall, as a rule, be drawn in the prescribed form half-yearly, *i. e.*, at the end of June and December. In the case of the transfer of a Sub-Assistant Surgeon, application for the allowance for the period he has served may be made at time of transfer

285. The Medical Subordinate is at all times subordinate to the Jailor, and in all matters outside the hospital he should merely report his observations to the Medical Officer or the most readily accessible prison official, as the case may require. In all matters connected with the care of the sick or other professional duties, he is under the orders of the Medical Officer, but in matters connected with discipline and the maintenance of order in the prison he is subject to the orders of the Superintendent or Jailor.

286 He shall either reside in the quarters provided for him in immediate proximity to the prison, or when no such quarters are provided at such a distance as the Superintendent may approve and shall not be absent without leave from the Medical Officer and without the consent of the Superintendent.

287 He shall enter the prison in the morning when the first bell rings, and not leave it in any case until the Superintendent and Medical Officer have completed their rounds. He shall again be present from such hour in the afternoon as may be fixed by the Superintendent until "lock up" and shall be ready at all times to attend when his services are called for. He shall visit the hospital at night when there are any serious cases. If the Medical Subordinate has other duties his hours shall be fixed by the Medical Officer in consultation with the Superintendent.

288 In prisons where there are two Sub-Assistant Surgeons one shall always be present in the prison from 9 p m until the opening of the prison in the morning and in the case of a Central Prison the Medical Subordinate shall arrange that the junior Medical Subordinate or compounder is present whenever he himself is absent.

289 The Medical Subordinate shall attend the Superintendent on his weekly inspection of the prison buildings, yards and prisoners.

290 He shall at once visit any prisoner complaining of sickness and afford him the necessary treatment. As a rule he will admit such cases at once into hospital but, if he thinks this is unnecessary, he will bring them to the notice of the Medical Officer at his next visit.

291 He shall carefully inspect before they leave prison in the morning and after their return thereto in the evening, any prisoners detailed for extra mural work, for the purpose of thoroughly satisfying himself that they are physically fit for the work for which they have been selected and have not suffered therefrom.

292 He shall in the case of any prisoners detailed for extra mural work canal digging for instance take into consideration the desirability of administering quinine as a prophylactic.

293 He shall see that medicines are distributed in the morning to the out going gangs.

294 He shall go round the hospital in the morning visiting each patient and doing whatever is needful for the latter while at same time making notes of the condition or progress of the cases for the information of the Medical Officer.

295 He shall carefully inspect the prisoners in the convalescent gang every morning.

296 He shall visit all prisoners confined in cells daily and report to the Medical Officer any complaints that may have been made to him.

297 He is responsible that all medicines are correctly prepared and administered, and that all drugs and instruments are kept under lock and key, a separate receptacle with the word "Poisons" painted on it being provided for poisonous drugs. No key of any receptacle for medicines or drugs shall ever be entrusted by the Medical Subordinate to any member of the subordinate staff or any prisoners.

298 He shall keep all the hospital registers written up to date, and punctually prepare the monthly and other returns

299 He is responsible for the maintenance of cleanliness, order and discipline in the hospital, and that all prison rules are strictly observed in it, and is also responsible for the care of the hospital furniture and extra clothing used in the hospital

300 He is responsible that the sick-attendants do their duty, and also that the necessity for such attendants is brought to notice.

301. He shall carefully watch all prisoners who may possibly be malingering

302 No prisoner shall be flogged unless it is certified by the Medical Officer, or in his absence the Medical Subordinate, that the prisoner is fit to undergo corporal punishment.

303 He shall arrange that the evacuations in all cases of bowel complaints are laid out for the Medical Officer's inspection in such a way as to leave no doubt as to the patients who passed--them severally.

304 When the Medical Officer visits the prison, the Medical Subordinate shall accompany him on his round and take notes of any orders given by the former regarding the sick or the sanitation of the prison

305 He shall carefully examine all new admissions into prison directly they are received therein, it being the duty of the gatekeeper to inform him at once of the fact of such new admissions, and report his observations to the Medical Officer. He shall specially examine under-trial prisoners on admission for recent marks of wounds, bruises, etc., or anything which may be useful to the courts, reporting the result to the Medical Officer. All new admissions to prison shall be examined for marks of vaccination or small-pox, and the result noted

306 It is the duty of the Medical Subordinate to vaccinate all prisoners and infants resident in prison, under the orders of the Medical Officer, and, where quarters are provided for members of the establishment in the vicinity of the prison, to vaccinate such members of the establishment and their families.—Rules 360, 875, 876.

307 In the case of a female prisoner who, he has reason to think, is pregnant, he shall report the circumstance to the Medical Officer

He shall at once in writing bring to the notice of the Medical Officer and of the Superintendent or Jailor any unusual morbid or infectious disease in the prison or its neighbourhood.

He shall visit the hospital frequently day and night so that all serious cases have the prescribed medicines and be given to them by the recognised hospital attendant.

He shall write up the daily lists of special diets ordered for a sick, convalescent and infirm, and shall see that they are properly prepared and distributed.

He shall periodically inspect the food, godowns and stores, seeing that they are clean and that all food material, vegetables etc. are of good quality, reporting to the Medical Officer or in the latter's absence to the Jailor, if in his opinion, contrary is the case.

He shall inspect all meat, milk, etc., brought by the contractor to the prison, reporting to the Medical Officer, or in the latter's absence to the Jailor, if in his opinion, the supplies of them are not up to standard.

He shall examine all food before it is distributed and see that it is properly cooked and especially that the proper quantity of oil, salt and anti-scorbutics have been added to the ration.

He shall examine periodically the wells, tanks or other sources of water-supply, and shall bring to notice any deficiency of supply or likelihood of the water being polluted. Where filters are used, they shall be examined daily to see that they are clean and in good working order.

He shall daily inspect all latrines and urinals, and see that they are kept clean, and that the conservancy is properly carried out according to the system adopted in the prison. He shall also see that the orders about ventilation of the hospital, sleeping barracks and workshops are properly attended to according to the season of the year.

He shall personally superintend the weighing (which shall be carried out strictly in accordance with the rules on the subject) of all prisoners, especially of those who are sick or infirm or whose weight is for any reason a matter of special interest. He shall report to the Medical Officer whenever he detects any anomaly in the weight of prisoners.—Rule 183.

He shall report all deaths at once to the Jailor and the Medical Officer, and see that the body is decently removed to the dead house. He shall make the necessary preparation for *post mortem* examination, assist the Medical Officer in carrying it out, and shall be responsible that the body is afterwards properly stitched up and covered.

He shall afford medical aid to all the prison staff, prison guards, and others living on the premises, and in cases

319 In addition to his own proper duties as above detailed, he will render the Medical Officer every assistance, exercising a general vigilance over all matters which can in any way affect the health of any of the inmates of the prison, and reporting to the Medical Officer any instance in which he believes that sanitary or prison rules affecting the health of the prisoners have been neglected, as, for example, in such a matter as the following, against which the Medical Officer himself should be on the alert —

- (a) Overcrowding of wards, workshops, or other space.
- (b) Incorrect weightment or distribution of food.
- (c) Unseasonable, worn-out or dirty clothing.
- (d) Neglect of personal cleanliness.
- (e) Undue exposure of prisoners to cold, wet or sun.
- (f) Unpunctuality or curtailment of meals.
- (g) Neglect to air dry or clean bedding.
- (h) Unsuitable task, especially in the case of weakly men.
- (i) Save in emergencies the use of workshops as dormitories or *vice versa*.
- (j) Incorrect issue of important articles of diet, such as salt, condiments, oils and anti-scorbutics.
- (k) Neglect by prisoners to eat their full ration, or any particular article of diet.

320. He shall see that the prison clothing of all dead prisoners is sent to the Jailor along with a list, so that it may be destroyed or fumigated or washed and returned into store. The same course shall be adopted with all extra clothing and bedding supplied by the Jailor, when no longer required in the hospital.

321. Any Medical Subordinate accused of taking a bribe or allowing forbidden indulgences to prisoners may be suspended by the Superintendent with the knowledge of the Medical Officer and the case at once reported to the Inspector-General.

322. It should be understood that these rules are not intended to relieve in any way the Medical Officer in charge of a prison of his personal responsibility for the medical and sanitary arrangements of the prison, but in the unavoidable absence of the Medical Officer the Medical Subordinate shall perform the former's duties.

COMPOUNDERS.

323. Compounders shall be duly qualified compounders who have passed the tests required by the Medical Department. Medical Officers of prisons, on the establishment of which there is a compounder, shall submit the names of applicants to the Inspector-General on the occurrence of a vacancy.

324 Compounders shall obey any orders of the Medical Subordinate which are not inconsistent with the Medical Officer's instructions and with the rules of this Manual. They are subordinate to the Superintendent Medical Officer and Jailor, and as regards leave (other than casual) punishment and discipline they shall be treated as subordinate officers in superior service. They may be granted casual leave by the Medical Officer with the concurrence of the Superintendent.

CHAPTER XIV

THE CHAPLAIN

325 Chaplains of the Church of England and of the Church of Rome shall be appointed by Government to such prisons as may be thought necessary. It shall also be competent to the Government to appoint a Minister of any other denomination.

326 The Chaplain shall perform divine service according to the rites of his church. The days and hours of divine service shall be fixed by the Chaplain in communication with the Superintendent.

327 On days other than those fixed, the Chaplain may (with the permission of the Superintendent) have access to Christian prisoners but only when they are dangerously ill or under sentence of death and may desire to see the Chaplain. Subject to such conditions as the Superintendent may deem necessary ministrations of Chaplains may in certain cases be individual.

328 The Sacrament of the Lord's Supper shall be administered at such time as the Bishop may direct, and it is optional with a prisoner to attend the same or not.

329 All European American Eurasian and Native Christian prisoners shall attend divine service, but no prisoner shall be permitted to attend the services of a Minister of a religion or persuasion different from his own as declared by him on entering prison subject to the proviso that a prisoner belonging to the Church of Scotland may, if he wishes, if there is no Chaplain of his church attached to the prison, attend the services of the Church of England.

330 The services of Chaplains shall be conducted in a ward or in some place which, during the hours of service, shall not be accessible to convicts generally.

331 Prisoners shall not be permitted to change their religion in prison. Missionaries should not be allowed to address native prisoners who are not Christians.

332 The Chaplain may make any suggestions in the Official Visitors Book (Register No 14) which he considers may tend to improve the morals of the prisoners and lead to their reformation, but he should be careful not to interfere with the routine

CHAPTER XV.

VISITORS OF PRISONS.

333. Visitors of prisons shall be either—

- (a) *ex-officio*,
- (b) specially appointed—
 - (i) officials, or
 - (ii) non-officials.

334. The following officers and such others as Government may from time to time appoint in this behalf shall be *ex-officio* visitors —

- (1) Of every prison within the respective areas under their official charge or within their jurisdiction, that is to say.—
- (a) whether in the City of Bombay or elsewhere—
 - (i) the Commissioner in Sind,
 - (ii) every Commissioner of a Division,
 - (iii) the Judicial Commissioner in Sind,
 - (iv) the Assistant Commissioner in Sind,
 - (v) the Surgeon-General,
 - (vi) the Principal Medical Officer in Sind,
 - (vii) the Chief and Superintending Engineers in charge Public Works Department Division,
 - (viii) the Inspector-General of Police,
 - (ix) the Deputy Inspectors-General of Police and the Deputy Inspector-General for Railways and Criminal Investigation,
 - (x) the Sanitary Commissioner,
 - (xi) every Divisional Deputy Sanitary Commissioner,
- (b) elsewhere than in the City of Bombay, every—
 - (i) District Magistrate,
 - (ii) Sessions Judge,
 - (iii) Assistant Sessions Judge,
 - (iv) District Superintendent of Police,
 - (v) Executive Engineer,
 - (vi) Civil Surgeon when not Superintendent or Medical Officer of the Prison,
 - (vii) Sub-Divisional and First Class Magistrate,
 - (viii) City Magistrate, and
 - (ix) Huzúr Deputy Collector, if a Magistrate,
- (c) in the City of Bombay—
 - (i) the Municipal Commissioner,
 - (ii) every Presidency Magistrate,

- (iii) the Collector of Bombay,
- (iv) the Sheriff of Bombay, and
- (v) the Commissioner and Deputy Commissioner of Police

(2) Of every prison within their respective commands wherein native military prisoners sentenced to imprisonment for purely military offences by Courts martial are confined—

- (a) the General Commanding the District,
- (b) the Officer Commanding the Station

(3) Of the prison at Aden—

- (i) the Political Resident
- (ii) every Assistant Political Resident
- (iii) the Port Surgeon
- (iv) every Officer Commanding a European or Native Regiment at Aden

335 The appointments of non official visitors shall be made

Appointments of non official visitors of Prisons and recreation by Government of Powers.

- (a) in Sind by the Commissioner in Sind, and
- (b) elsewhere in the Presidency of Bombay by the Commissioner of the Division in which the Prison is situate, provided that—

- (1) no such appointment shall ordinarily be made for a longer period than five years at a time, and
- (2) nothing in these rules shall affect the power of Government from time to time to appoint re-appoint, or revoke the appointment of any person, official or non official, as a visitor of any Prison

336 Once in every week—

- (a) in the City of Bombay—

the Chief Presidency Magistrate or a Presidency Magistrate appointed by him in this behalf

- (b) elsewhere—

the District Magistrate or a Magistrate subordinate to him and appointed by him in this behalf,

shall visit every prison of which they are respectively visitors and shall perform the duties of inspection in No 338 of these rules hereinafter prescribed

337 (1) Once in every quarter no less than two *ex officio* visitors, of which one, unless prevented by sickness or any unavoidable cause, shall be—

- (a) in the City of Bombay—

the Chief Presidency Magistrate and

- (b) elsewhere—

the Magistrate of the District

shall in Committee, visit each prison of which they are *ex-officio* visitors, and together with any other visitors that may be present, perform the duties of inspection in No 338 of these rules hereinafter prescribed

338 All *ex-officio* and official visitors, at every visit required by these rules, shall—

- (a) inspect the barracks, cells, wards, work-sheds and other buildings of the prison generally ;
- (b) ascertain—
 - (i) whether considerations of health, cleanliness and security are attended to ,
 - (ii) whether proper management and discipline are maintained in every respect ;
 - (iii) whether any person is illegally detained or is detained for an undue length of time while awaiting trial ,
- (c) examine—
 - (i) the register of convicted and under-trial prisoners ,
 - (ii) the Punishment Book ;
 - (iii) other prison registers ,
 - (iv) the accounts of the prison ,
- (d) hear and attend to all representations and petitions made by or on behalf of prisoners ,
- (e) direct, if deemed advisable, that any such representations or petitions be forwarded to Government , and
- (f) enter in a book which shall be kept in every prison and shall be called the Visitors' Book—
 - (i) the date and hour of their visit ,
 - (ii) any remarks as to the result of their inspection which they may deem worthy of record

339. The duties of non-official visitors are limited to an inspection of the general management of the prison and of the Punishment Book and to hearing complaints from the prisoners. It is optional with a specially appointed non-official visitor to attend quarterly meetings and to enter any remarks he may desire to make in connection with his visit in the Visitors' Book. Lady visitors should only visit the female portion of the prison when making their inspection.

340 (1) In the event of any grave irregularity or of any very important matter requiring immediate attention being brought to notice by any visitor, a copy of his remarks relating thereto recorded in the Visitors' Book shall be forwarded at once to the Inspector-General of Prisons by the Superintendent.

(2) A copy of every other entry made in the Visitors' Book, whether at a quarterly or other visit, and whether by an *ex-officio* or by an appointed visitor, official or non-official, shall, on the

Saturday morning next following the date of such entry be forwarded by the Superintendent of the Prison to the Inspector General of Prisons with any remarks which the Superintendent may desire to offer in explanation or otherwise

341 A list of *ex-officio* and appointed visitors both official and non-official, shall be posted up in a conspicuous position in the immediate neighbourhood of the main gate of the prison

342 (1) No visitor of a prison whether *ex-officio* or appointed official or non-official shall enter the prison unless and until an escort has been provided by the gate-keeper

(2) Such escort shall consist (at the discretion of the Superintendent) of one or more warders, each armed with the baton provided for his use, and shall accompany the visitor throughout his inspection

343 Except for special reasons which shall be recorded in the Official Visitors' Book, no visitor shall—

(a) inspect any prison—

(i) on Sundays or

(ii) between the hours of 6 p. m. and 6 a. m., or

(b) on any occasion other than that of a quarterly committee meeting require the attendance of the Superintendent, Jailor or Deputy Jailor

344 The Inspector General of Police, the Deputy Inspectors General of Police the Commissioner of Police (in the City of Bombay) and District Magistrates (elsewhere than in the City of Bombay) may, by letter addressed to the Superintendent or Jailor, authorize any Police officer therein specified who, except for special reasons which shall be stated therein, shall not be below the rank of an Inspector in the City of Bombay or of Sub-Inspector elsewhere, to interrogate any prisoner and the officer so specified shall hereupon be permitted to interrogate such prisoner in the presence but not within the hearing of the Jailor or some other prison officer approved by him

Such Police Officer may, in the same manner, be authorized to bring witnesses or informers to the prison for the purpose of identifying any prisoner or prisoners should such a course be necessitated during the investigation of any case. The Superintendent or Jailor shall take great care that such prisoner or prisoners be paraded with a number of other prisoners similarly clad.

(2) Except as in this rule provided, no Police officer shall, except in the capacity of an *ex-officio* visitor, interrogate any prisoner

NOTE.—The authority conferred by the above rule on Police officers to interrogate prisoners in Jails is also given to the officers of the Special Opium Detective Agency, Thugi and Dacoity Department, and of the new Opium Preventive Service Bombay provided that they are on each occasion nominated in a letter addressed to the Superintendent or Jailor by the Extra Assistant to the General Superintendent, Thugi and Dacoity Department, or by the Superintendent of the new Opium Preventive Service Bombay as the case may be and provided that they shall not, except for special reasons which shall be stated in the letter be below the rank of an Inspector

345. To afford the Police the opportunity of recognising old offenders, the Superintendent shall permit a Police officer deputed in the City of Bombay by the Commissioner of Police, or elsewhere by the District Superintendent of Police, on a day, preceding the weekly parade of prisoners, to have access in the prison office to the admission register and release diary. From these the Police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoner still under Police enquiry, whom the Police may have to inspect on parade. The prisoners found in these lists shall be paraded at the weekly parade, separately from others, and the Police not exceeding twenty in number, selected by the Commissioner of Police or the District Superintendent of Police, shall be permitted to inspect all those prisoners under the conduct of the Jailor, Deputy Jailor or an European Warder. They shall not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendent shall inform the Commissioner of Police or the District Superintendent of Police, as the case may be, on what day the weekly parade of prisoners will be held and at what hour the Police officer can have access to the prison office. Only prisoners convicted under Chapters XII and XVII of the Indian Penal Code of offences punishable with three years, or attempts at the same under sections 328, 363 to 369, persons bound down under sections 109 and 110 of the Criminal Procedure Code, and under-trial prisoners, need be paraded for the inspection of the Police. Female prisoners shall not be paraded for the inspection of the Police.

346. Save as hereinbefore provided, no person other than a prison officer or a visitor appointed by or under these rules, and visiting a prison for the purpose thereof, shall be allowed to enter a prison unless—

- (a) provided with a written permission from the Inspector-General of Prisons or the Superintendent of the Prison, or
- (b) accompanied by the Jailor or the Deputy Jailor and with the sanction of the Superintendent.

347. Any order issued by a District Magistrate, under clause (2) of section 11 of the Prisons Act IX of 1894, to the Superintendent of a District Prison within the former's jurisdiction shall be in writing.

CHAPTER XVI

CONVICTED PRISONERS

Admission.

348. The power of officers in charge of prisons to give effect to the sentences of Courts is defined in sections 3, 4 and 5

et seq of the Prisoners Act III of 1900 and in sections 15 and 16 of the same Act

312 Prisoners shall be admitted after the opening of the prison up to the hour of lock up. This does not apply to prisoners before the Sessions Court or those coming from a long distance by rail from prisons or jails when notice has been received. Arrangements should be made to receive these two classes on arrival. On the admission of a prisoner the Jailor shall furnish the officer in charge of the police escort with a receipt for him.

350 No prisoner shall be admitted into prison unless on a warrant signed by competent authority. A separate warrant shall be received for every prisoner even though two or more prisoners have been jointly charged and convicted. Before admitting a prisoner, the Jailor shall examine the warrant and shall question him as to his name and other particulars with a view to ascertaining that he is the person referred to in the warrant.

361 Every warrant shall be examined to see whether it is apparently correct and complete. If a warrant is incorrect or incomplete and it seems likely that the incorrectness or incompleteness is due to a clerical error it may be returned for correction to the issuing Court under section 361 of the Criminal Procedure Code. In this case a copy shall be retained till the original is returned. In other cases the Superintendent shall follow the procedure laid down by section 17 of the Prisoners Act III of 1900 provided that every reference under this section shall be accompanied by a copy of the warrant referred to and shall be submitted through the Inspector-General.

NOTE 1.—A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment, an unlabelled, an unlabelled or an unlabelled warrant shall be returned for correction.

NOTE 2.—If a warrant purports to have been issued by a Magistrate of the third class directs that a prisoner be subjected to rigorous imprisonment for a single offence for over one month the case shall be referred and the sentence not carried out pending revision.

NOTE 3.—A sentence of flogging is irregular (a) in the case of a prisoner also sentenced to imprisonment for more than five years; (b) in the case of a prisoner more than 45 years of age; (c) in the case of women; and (d) in the case of a prisoner also sentenced to imprisonment for less than 3 months.

NOTE 4.—The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than 1 allowed under section 33 of the Indian Penal Code.

NOTE 5.—Every warrant should show the class (habitual or casual) to which the prisoner belongs, and in the case of those previously convicted, a statement showing the previous conviction should be attached.

NOTE 6.—In case of any warrant containing a sentence of imprisonment in default of fine, the sentencing authority should note on the warrant whether the fine or any portion thereof has been paid.

NOTE 7.—The classification under rule 206, b, c, d, f should be made by the sentencing authority except in the case of prisoners sentenced by the High Court.

362 Every warrant should define the period and nature of the imprisonment awarded.

(1) H. J. D.,
No. 1809
dated 23rd
August 1900.
O. H. J. D.,
No. 2837
dated 16th
October 1900
(1) H. J. D.
No. 1280,
dated 6th
March 1911

353. Every prisoner on admission into prison shall be thoroughly searched. The search must be carefully made as prisoners frequently conceal articles in their hair, beards and in other parts of their person. The search of female prisoners shall be made by the Matron or female Warder, and only in the presence of females. In extreme cases, such as the absence of the Matron and female Warder, the search of a female may be made by the wife of a member of the establishment under the orders of the Jailor.

354. From *prisoners sentenced to rigorous imprisonment* every article, whether clothing, bedding, money, jewellery, documents, or otherwise, shall be taken, but if received into prison late or after lock up their clothing (except when there is a possibility of their conveying contagion from an infected district) may be left with them until next morning. From *simple imprisonment* prisoners, money, personal ornaments, paper and letters and any other property other than clothes shall be taken, any clothes however in excess of those required for wear which may be brought in by a simple imprisonment prisoner, may be kept in the prison godown and issued as required.

NOTE—Brahmins shall be allowed to wear, while eating, the cloth called "Sowla" and at all times the sacred thread "Janwa," and Parsees shall be allowed to wear the undergarment called "Sudra" and the thread called "Kasti."

Similarly a Lingayat convicted prisoner should be permitted to wear his "Ling" wrapped in a piece of cloth or kept in a silver box suspended round his neck, the same being open to free examination by prison officials whenever required. Any Lingayat prisoner abusing the above privilege should be deprived of his "Ling" for the remainder of the term of his imprisonment. Unconvicted Lingayat prisoners should, so far as is consistent with jail discipline, be given every facility in the above matter. These articles will not be supplied at the expense of Government.

355. Where quarantine blocks exist, every convicted prisoner shall, on admission be placed therein for such period as the Medical Officer may from time to time direct. Where no such blocks exist, an endeavour should be made to set apart a separate ward for newly admitted prisoners. The fact that a prisoner is undergoing quarantine shall not (unless he is suffering from any epidemic or infectious disease) prevent his being taken to the prison office for the purpose of being entered in the register. If any epidemic is prevalent and accommodation for new admissions is provided outside the prison, prisoners shall not be admitted within the prison till orders have been given by the Medical Officer or, in his absence, by the Medical Subordinate, who shall send any of them who are sick to the hospital for treatment. All prisoners shall be made to wash themselves thoroughly with soap or soap-nut as soon as practicable after admission.

356. On the day of, or as early as practicable after, his admission every convict shall have his descriptive roll carefully and fully written out in the prescribed form in Register No. 3 (the Medical Subordinate will fill in column 8) and at the same time his property shall be entered in the prescribed form in Register No. 2. The latter entry should be read to the convict and

signed by him and the Jailor in proof of its correctness. The description should give clear and full particulars as to the exact position and size of scars, moles and other descriptive marks, and it should show the distance of such in inches from the nearest joint or bone or surface protuberance. At the same time the prisoner's register number, name, sentence, date of sentence and number of convictions shall be endorsed on his warrant.

357 The Superintendent and Jailor shall after examination and comparison of the endorsement with the body of the warrant and the entries in Registers No 2 and 3, affix their initials. The Superintendent shall initial column 36 and the Jailor column 27 of Register No 3.

358 The name of every convicted prisoner shall be entered in Register No. 3 each entry being numbered serially from 1 to 10 000. If the latter number is not reached in three years, fresh numbers may be given at the end of this period. The register number thus given shall be the prisoner's identifying mark throughout his imprisonment, a fresh number being however given him on every transfer to another prison. In all official communications regarding a prisoner his number will invariably precede the name, *e.g.*, No. 1250 Lakshman son of Rama.

359 A convicted prisoner shall, on the day of, or the day after, his admission, be brought fully equipped according to rules for examination before the Medical Officer, who shall enter or cause to be entered under his directions in the Health Register No 35 the weight, state of health, and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, with any observations that may be considered necessary. In describing a prisoner's health if he is *in bad or indifferent health* the general cause *i.e.*, enlarged spleen, etc. shall be entered. The Medical Officer shall also record whether the prisoner has been vaccinated or has had small pox. (Rule 231)

If there are any marks of recent violence he shall carefully record the same, forwarding a copy to the Superintendent of the Prison. This latter officer shall, if the prisoner so desire (and in any case may at his discretion) transmit the same to the District Magistrate together with the prisoner's statement as to how the injuries were received. (Rule 240)

360 All convicted prisoners with the exception of those indicated in Rule 875, whether protected or not, shall be vaccinated as early as practicable after arrival in prison. (Rule 858)

361 The prisoner, after being examined by the Medical Officer shall be brought before the Superintendent who shall examine him and his warrant comparing it with the entries made in the register and shall issue orders for the particular labour on which the prisoner is to be employed, and the Jailor shall, under the supervision of the Superintendent, see that these orders are carried into effect.

362 The prisoner, before being put to labour, shall have the rules regarding rewards for good behaviour and punishments for breach of prison discipline carefully explained to him by the Jailor, and shall be warned that all money or other articles found in his possession be forfeited. (Rules 148, 158.)

363. Every male convict sentenced to rigorous imprisonment for a longer term than one month, shall, on final confirmation of the sentence or expiry of period of appeal, none having been preferred, have his head close shaved (or if a European or Eurasian, his hair clipped and his beard, whiskers and moustaches shaved) and shall be subsequently shaved or clipped about once in fifteen days (provided that the unexpired term of such convict's sentence at that time exceeds one month) Hindus shall retain the shendi. The moustaches of all convicts coming under this rule shall be closely trimmed or clipped, and the beard shall not be longer than from $\frac{1}{2}$ to $\frac{3}{4}$ of an inch Sikh prisoners are exempted altogether from having their hair cut, except on purely medical grounds. During the month immediately preceding release, the hair of the beard and face shall be allowed to remain uncut and unshaven, except at the request of a prisoner which shall be recorded in his history ticket

364. In case any prisoner is received into prison to whom the proceedings in the above rule would be apparently offensive or degrading, the hair shall be allowed to remain uncut and a reference shall be made to the Inspector-General for orders on the matter.

SENTENCE.

365. Sentences of imprisonment passed by a Criminal Court at one trial may be concurrent or consecutive. In the absence of any direction on the warrant as to the manner in which such sentences shall be carried out, it should be assumed that they are consecutive (See section 35 (1), Criminal Procedure Code of 1898)

NOTE —If a prisoner is sentenced to two life sentences or a life sentence and a term of imprisonment and there are no directions in his warrant as to the manner in which the sentences are to be carried out, a reference in the matter shall be made to Government through the Inspector-General of Prisons, as to the manner in which the sentences should be carried out

366 Subject to the provisions of the last preceding rule, the period of imprisonment to be undergone under the sentence of a Criminal Court shall be calculated from the date on which the sentence was passed.

367 If a prisoner, who is detained until such time as he may furnish security under the provisions of Chapter VIII of the Code of Criminal Procedure, is later sentenced to a further term of imprisonment for any other offence, the sentence of imprisonment awarded in default of furnishing security shall run concurrently with the subsequent sentence of imprisonment on conviction.

NOTE.—If a prisoner who is detained for failing to furnish security under sections 106 and 108 of the Criminal Procedure Code expresses to the Superintendent or Jailer his willingness to furnish the security required of him, the Superintendent shall at once communicate with the Magistrate with a view to the necessary action being taken under section 123 of the Criminal Procedure Code.

368. In calculating the date of expiry of a sentence of imprisonment the day upon which the sentence was passed and the day of release shall both be included and considered as days of imprisonment. Similarly if a convict is released on bail pending appeal or if he escapes, the day on which he was released or escaped and the day on which he is re-admitted or re-captured, shall both be counted as days of imprisonment.

NOTE.—A prisoner sentenced to a day imprisonment must be released on the same day but if he fails to appear for imprisonment for 24 hours he must be kept in imprisonment for that period. In such cases the warrant shall state the hour at which he was sentenced.

369. When a prisoner is sentenced to two or more sentences the date of release shall be calculated as though the sum of the terms was awarded in one sentence; provided that if in any case the date of his release falls upon a Sunday he shall be released the previous day.

370. To calculate the date of release of a prisoner who after conviction is released on bail and is afterwards remanded to prison to serve out his sentence, or who escapes and is at large for a certain period and is then re-captured, add the number of days the prisoner is on bail or at large exclusive of the days of release and commitment into custody or of escape and recapture to the term of his sentence: the date on which the sum of these periods will elapse counting from the date of conviction, is the date of expiration of sentence.

NOTE.—(a) A prisoner released on bail in Court on the day he is sentenced with out having been sent to prison shall not be deemed to have served any part of his sentence.

(b) If the sentence of any prisoner is suspended and the prisoner is kept in confinement, the period of suspension shall reckon as part of his sentence.

(c) This rule does not apply to a prisoner detained until such time as he may furnish security under the provision of Chapter VIII of the Criminal Procedure Code. Such a prisoner cannot be legally detained after the expiration of the period specified in the warrant however short a time he may actually have spent in prison.

(d) On the surrender of a prisoner undergoing sentence under a conviction in British India his sentence shall be deemed to be suspended until the date of his re-surrender when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender. (See section 11 (2), Administration Act XV of 1903.)

(e) In the case of an escaped prisoner subsequently arrested in connection with another offence any period spent on that account in full custody or as an undetained prisoner shall not be reckoned as imprisonment under the original sentence.

371. The duration of a prisoner's sentence shall be calculated by the year or month unless stated in days. When a prisoner's sentence consists of so many months with or without the fraction of a month the date of release shall be calculated by adding the number of months to the date of the sentence the fraction, if any being reduced to days.

EXAMPLE.—A prisoner is sentenced to one and a half month's imprisonment on the 2nd February. The date of his release will be the 16th March.

372. If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence the last day of the said month should be taken as the expiry of sentence.

EXAMPLE.—A prisoner sentenced on the 29th or 30th or 31st January to one month's imprisonment would be entitled to release on the 28th February.

373 If a prisoner escapes and on recapture is awarded any fresh sentence for escape, the date of release shall be re-calculated in accordance with provisions of section 396 of the Code of Criminal Procedure and the date of release fixed accordingly

374 When an Appellate Court simply modifies a sentence passed by a lower Court without change of section, or when the Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

375. If a prisoner is awarded two sentences for separate offences and while undergoing the first the same is reversed on appeal, the second sentence shall, in the absence of any direction to the contrary in the writ or warrant, commence to count from the date on which the first was reversed

376 If a prisoner, sentenced to imprisonment in default of payment of fine only, receives another sentence on some other account while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or, if the fine is paid, from date of payment

NOTE.—See section 398 of the Criminal Procedure Code in regard to sentences of imprisonment in default of payment of fine which are annexed to substantive sentences of imprisonment or transportation

BAIL.

377 Under section 426 of the Criminal Procedure Code an Appellate Court may order that the execution of a sentence or order appealed against be suspended, and if the convicted prisoner be in confinement, that he be released on bail or on his own bond. Superintendents or Jailors are bound to obey the terms of such order.

378 Should a Court direct, under section 123 (4) of the Criminal Procedure Code that the Superintendent, or other officer in charge of the jail, shall release a prisoner upon his furnishing securities to be approved by the Superintendent, the Superintendent shall call on the prisoner to furnish such securities. The Superintendent, however, is not bound to accept any securities that are produced, and, if he is not personally acquainted with the sureties or is otherwise not fully satisfied as to the sufficiency, he shall not accept them, but shall refer to the nearest Magistrate or to any Magistrate to whom reference is desired, to make enquiries as to the sufficiency of the sureties produced

NOTE.—For form of bond see Schedule V annexed to the Criminal Procedure Code.

FINE.

370 In all prisons a Fine Statement Book shall be maintained in the form attached. Each book will contain one hundred forms, and supplies of the same may be had from the Treasury Officer or the Government Central Press, Bombay. The numbers of the forms in this book shall run consecutively from the beginning to the end of the book.

G. R. No. 74
dated 22nd
October 189
and G. R. N.
531 dated 11
22nd January
1900 J. D.

380 A fine or a portion of a fine imposed on a prisoner as a sentence or part of a sentence by a judicial or magisterial Court shall be received by any Superintendent or Jailor, between the hours of 8 A.M. and 11 A.M., on Sundays or holidays when the neighbouring Treasury and Courts are closed in cases when the payments of such fine or portion of such fine will lead to the immediate release of the prisoner or prisoners on whose behalf the payment is tendered. Should, however, a prisoner be sentenced only to a fine with an alternative of imprisonment the Superintendent or Jailor shall receive such fine if it is tendered *in full*, on the day that the prisoner is sentenced up to the hour of 6 P.M.

381 When a fine or a portion of a fine is received as laid down in Rule 380 by a Superintendent or Jailor it shall be remitted without delay to the Treasury with parts 2 and 3 of the form in the Fine Statement Book duly filled in the word 'tendered' appearing in the form being scored out. The Treasury Officer on receipt of the money will sign part 3 and impress it with the Treasury seal and return it to the Superintendent or Jailor, who will then paste part 3 to part 1 and fill in at the foot of the former the number and date under which intimation has been sent to the sentencing Court.

382 When persons come to pay fines on behalf of prisoners in confinement, on days other than Sundays and holidays, such fine shall *not* be received by the Superintendent or Jailor, but the Superintendent or Jailor will give the person tendering the fine parts 2 and 3 of the form in the Fine Statement Book duly filled in, the word 'realised' being scored out, and instruct him to take them to the Treasury Office with the fine. When the payment of a fine secures the immediate release of a prisoner a foot note shall be added to part 2 to that effect for the information of the Treasury Officer, who shall then receive the fine and at once return by post or Government messenger part 3 duly signed and with the seal of the Treasury impressed thereon to the Superintendent or Jailor. On receipt of part 3 by the Superintendent or Jailor it shall be pasted on part 1 and the prisoner shall receive such remission of sentence as the payment made in his behalf will entitle him to and intimation shall be sent at once by the Prison authorities to the sentencing Court.

383 When fines inflicted on prisoners are recovered by a Court, intimation of the same will be given by the Court to the Prison authorities in Form 1 (A) at page 107 of the High Court Criminal Circular Order Book.

384. Whenever intimation is sent by a Court to a Superintendent or Jailor that a fine or portion of a fine has been recovered on behalf of a prisoner, and such prisoner has been transferred to another prison, the Superintendent or Jailor shall at once forward such intimation to the Superintendent or Jailor of the prison to which such prisoner has been transferred, informing the Court at the same time of his action in the matter, and shall be responsible that such intimation is duly acknowledged. This acknowledgment shall be passed on to the Court which forwarded the intimation.

385. On receipt by the Prison authorities of a fine or any portion thereof or on receipt of intimation of its realization by a Court, the convict concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's history-ticket. The entries in the register and on the warrants and history-ticket shall be signed by the Superintendent and the Jailor.

386. No action shall be taken on telegrams which may intimate the recovery of a fine or any portion of a fine. When intimation of payment of the fine of a prisoner is received from a Police official, the intimation should be returned to that official with a request that it may be forwarded through the Court that sentenced the prisoner.

387. If a prisoner, who is sentenced to a fine and in default to imprisonment for a certain number of months, pays any part of his fine, the remission for the payment shall be calculated in months and not in days, and any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day, in favour of the prisoner.

NOTE—All cash received in payment of fines shall be accounted for in Register No. 16, Prison Cash Book

Judicial Whipping

(Sections 390 to 396, Criminal Procedure Code).

388. When a whipping is awarded in addition to imprisonment (see section 391, Criminal Procedure Code) an entry should be made in the Release Diary on the page for the day on which the person is to receive the stripes, and if the date is changed owing to an appeal being made, forward entries shall be made so that the matter may not be overlooked.

NOTE—If a prisoner already undergoing a sentence of imprisonment is sentenced for another offence to a sentence of whipping in addition to imprisonment, the whipping can be carried out during the term of the first sentence.

389. The prisoner must be certified on the warrant by the Medical Officer or the Medical Subordinate to be fit to receive the whipping, which shall be administered in the presence of

the Superintendent and Medical Officer or Medical Subordinate. If the prisoner be declared physically unfit (by the Medical Officer) to receive the whole or a portion of the whipping the warrant shall be returned to the sentencing Court for the necessary action under section 39a of the Code of Criminal Procedure.

390 All judicial floggings shall in future be inflicted in private either at a jail or in an enclosure near the Court-house.

391 The punishment of whipping shall in all cases be inflicted on the bare buttocks. The practice shall invariably be adopted of spreading a thin cloth soaked in some antiseptic over the prisoner's buttocks during the operation.

392. In carrying out a sentence of whipping, the prisoner undergoing the punishment shall be tied up to a triangle, or shall be otherwise so secured that he is unable to move, in order that there may be no risk of the cane falling on any part of the body other than the buttocks. The cane employed shall never exceed the legal minimum of half an inch in diameter in the case of persons over 18 years of age and in the case of juvenile offenders a still lighter cane shall be employed. A sentence of whipping on a juvenile shall be inflicted in private with a light cane across the bare buttocks.

393 The whipping shall be inflicted by one of the warder establishment or a convict officer, and shall, if possible, not be inflicted on Sundays.

394 After the whipping has been duly inflicted, the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of infliction.

JUDICIAL SOLITARY CONFINEMENT

395 Prisoners sentenced to solitary confinement under sections 73 and 74 of the Indian Penal Code shall undergo the periods of solitary confinement admissible under those sections in a separate cell, as far as possible excluded from sight or hearing of what is going on.

396 Such prisoners shall be placed in the cells for the periods laid down in section 71 of the Indian Penal Code, and such periods shall not be broken, except upon the recommendation of the Medical Officer.

397 If any warrant contains an order relating to solitary confinement which is contrary to sections 73 and 74 of the Indian Penal Code, the matter shall be referred to the Inspector General of Prisons.

EXAMPLE.—A prisoner sentenced to seven months' imprisonment cannot be awarded two months' solitary confinement, nor a prisoner sentenced to twelve months' imprisonment three months' solitary confinement.

NOTE.—84 days is the maximum solitary confinement that may be carried out in one year.

398. On the admission of a prisoner who is sentenced to a period of solitary confinement entries shall be made by the Jailor in the Release Diary No. 4 showing the dates on which each period of solitary confinement is to commence, and as each period is carried out, a remark to such effect shall be entered in the diary under the initials of the Superintendent and Jailor. When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first term of imprisonment. Similarly, if the term of solitary confinement under one warrant is too long to be completed during the term of imprisonment awarded by that warrant, the balance shall not be carried out during any subsequent term of imprisonment undergone under a second warrant. The execution of a sentence of solitary confinement need not be postponed on account of appeal.

399. No prisoner who has undergone a period of judicial solitary confinement shall be punished with cellular or solitary confinement for a prison offence within a period equal to the judicial solitary confinement he has undergone after the expiration of such confinement and *vice versa* (Rule 504).

EXAMPLE —A prisoner who has undergone 14 days' judicial solitary confinement in one month cannot be punished for a prison offence with separate, cellular or solitary confinement until 15 days from the termination of the former solitary confinement have elapsed.

400. No prisoner shall be placed in solitary confinement until he has been examined by the Medical Officer and certified in Register No. 34 to be fit to undergo the punishment.

401. If during any period of solitary confinement it becomes necessary to remove from a cell any prisoner sentenced to solitary confinement on the ground of injury to his mind or health, a report shall be made to the Inspector-General, and if the prisoner's health is such that the award of the solitary confinement is not likely to be carried out during the sentence, the matter should be reported to the Court which awarded the sentence.

402. Outside the cell door of a prisoner undergoing solitary confinement a ticket shall be placed showing the number and name of the prisoner, the date on which placed in solitary confinement, the number of days to be so confined, and the date on which he was last in cell.

403. Every prisoner in solitary confinement shall be visited daily by the Superintendent and Medical Officer or Medical Subordinate, who shall insert a record of every such visit on the ticket referred to in the preceding rule.

404. Prisoners in judicial solitary confinement shall be provided with suitable work, and a regulated task shall be exacted from them. They shall be allowed the ordinary hard labour diet.

405. On the expiration of the sentence of every prisoner awarded judicial solitary confinement the endorsement on the warrant by the Superintendent certifying to the execution of the sentence shall state the total period of such solitary confinement the prisoner has undergone, and if any portion of such sentence has not been duly executed, the reason shall be explained (Rules 753 to 760)

RELEASE.

406 The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailor and an entry shall be made in the Release Diary Register No 4 under that date giving the name and register number of the prisoner. In case the term of imprisonment be changed either by the judicial imposition of additional imprisonment or by payment of fine or by remission of any part of the sentence, or by absence from custody on bail or after escape, the original entry shall be scored through and a reference made to the date of release under the new order, under which date a new entry shall be made. To all the entries the Superintendent and Jailor shall affix their initials in the columns provided, and they shall be personally responsible for the correctness of such entries, and for any illegal detention of a prisoner and failure to execute a sentence due to neglect of this rule

NOTE 1.—When entering the name of a prisoner in the Release Diary allowance should be made for the remission he is likely to earn.

NOTE 2.—The date and hour at which the order to release a prisoner is received and the date and hour at which the prisoner is released should be certified on the writ or order

407 Prisoners whose date of release falls on a Sunday shall be liberated on the preceding day, an entry to that effect being made in Register No 3

408 The discharge of a prisoner shall, under ordinary circumstances, take place in the morning, and no prisoner who is to be discharged shall be detained later than 10 A M unless his prison kit is dirty, in which case he may be detained to wash it but he must not be kept later than 5 P M. In the event of the Superintendent not having visited the prison up to 10 A M the Jailor shall discharge any prisoner who may have to be released and whose prison kit is clean and shall enter in Register No 13 the fact that he has done so

409 On the day before the date on which a convict becomes entitled to release he shall be produced before the Medical Officer and his state of health and weight duly recorded in Register No 3. On the day of release the Jailor shall place him before the Superintendent together with his warrant, his history-ticket, Registers Nos 2 3 4 and 6 and his clothing and other property

410 The Superintendent shall satisfy himself that the prisoner bears the identification marks recorded in Register

No. 3, that the entries in the warrant agree with those in the register, and that the sentence passed on the prisoner has been duly executed. He and the Jailor shall then sign the endorsement of release on the warrant, certifying to the execution of the sentence and the date of release, and the former shall affix his initials in column 36 and the latter in column 27 of this register. At the same time all property which is entered to the credit of the prisoner in Register No 2 shall be made over to him and an acknowledgment of its receipt shall be taken from the prisoner in the same register. Any gratuity the prisoner may have earned shall also be handed over to him and an acknowledgment taken in Register No 22. The prisoner shall be released at the main gate and care shall be taken that he does not carry away any prison clothing or property. No prisoner can claim to be released between the hours of 6 P M and 7 A M.

NOTE —A prisoner shall not be released on the authority of a telegram.

411. After a prisoner is released, the warrant shall at once be returned to the Court from which it issued with an endorsement certifying the manner in which the sentence has been executed and the reasons, if any, such as remissions, pardon, reversal of sentence (with the number and date of any order of Government or any Court authorizing the same), why the prisoner has been discharged from custody before the execution thereof. (When applicable, Form No. 9 may be used and attached to the warrant.)

412. When a prisoner has to undergo two or more sentences under separate warrants, and if all the warrants are not issued by the same Court, at the expiry of each sentence the warrant relating to it shall be separately endorsed and returned to the Court. In this case the endorsement shall state that the prisoner is retained in prison to undergo sentence under another warrant.

413. A prisoner on release shall receive at the discretion of the Superintendent either the lowest class railway fare or annas two *per diem* (calculating at the rate of 18 miles per day) as subsistence allowance to enable him to reach his home or the place where he was arrested if he has not sufficient private means for the purpose. Sick prisoners on release, if incapacitated from travelling on foot, may be furnished with cart-hire. An allowance of one anna *per diem* may be granted in addition to the railway fare when the rail journey exceeds twenty-four hours.

414. Indian Military prisoners undergoing imprisonment in the jails of this Presidency shall be transferred to the jails of their native district, or if they be residents of a Native State, to the jails in British Territory nearest their homes, for release, at any time not exceeding two months prior to the date actually fixed for their release.

(See G. R., J D., No 1254, dated 4th March 1910)

415 No prisoner shall be discharged from prison on the expiry of his sentence if labouring under any acute or dangerous disease but shall be detained in hospital until the Medical Officer considers he can be safely liberated, unless such prisoner shall demand to be discharged sooner (Rule 255 and section 26 (9) Prison Act)

416 If a Medical Officer considers that any prisoner with a term of more than six months to run is dangerously ill and that the illness will be so aggravated by further imprisonment that the prisoner's release is desirable, the Superintendent shall submit the case to the Inspector General of Prisons, who will forward the papers to the Surgeon General with the Government of Bombay for countersignature and return and submit them to Government

The following papers shall be submitted with each case—

- (a) Forwarding letter (in which it should be stated whether the patient has relatives or friends who are willing to take care of him, if he is released) —
- (b) Nominal roll (in duplicate)
- (c) Copy of warrant (in duplicate)
- (d) Medical case
- (e) Certificate of Medical Officer

NOTE.—The Medical Officer shall state fully the reason which lead him to the belief expressed in the certificate. The certificate shall run thus:—

"I, G. B. Lenby certify that Correct No. _____ name _____ is in my opinion dangerously ill suffering from (name of disease). His illness has not been caused or aggravated by any acts of the convict in order to procure release and I sincerely declare that in my opinion he will certainly die very shortly if he remain in confinement but he will have a possible prospect of recovery (or his life will be materially prolonged) if he is released."

417 With the consent of the Magistrate of the district in which the prisoner's offence was committed or of the Commissioner of Police in the case of offences committed in Bombay City the Superintendent may release a prisoner suffering from disease provided that—

G. R. No. 6,
dated the 3rd
January
1893; G. R.
No. 167 of
12th March
1901

- (a) the disease is likely to prove fatal if the prisoner remains in prison,
- (b) there is a possible prospect of recovery if the prisoner be released,
- (c) the disease has not been produced or aggravated by any wilful act on the part of the prisoner;
- (d) the Medical Officer recommends the release and certifies to conditions (a), (b) and (c); and
- (e) the prisoner has not more than six months to remain in prison before the expiry of his sentence, taking into account any remissions he has earned.

(ii) The prisoner shall be informed before release that his release is conditional on the sanction of Government, and that if such sanction be withheld he will have to return to prison to

serve out the remainder of his sentence. The prisoner's friends shall be sent for and a security bond taken from them before he is released that they will give him up if required to do so.

(iii) The case shall be immediately reported to the Inspector-General.

(iv) If the Magistrate of the district or Commissioner of Police dissents from the Superintendent's recommendations the case shall be submitted to the Commissioner of the division in which the prisoner's offence was committed, and he may either order release subject to clauses (ii) and (iii) or submit the case for the orders of the Government. If the offence was committed in Bombay City, the case should be submitted for the orders of Government.

418. When a prisoner dies in prison, his warrant shall be at once returned to the Court from which it issued, with an endorsement certifying the cause and date of death, and a casualty report shall be forwarded to the Inspector-General of Prisons. In the city of Bombay, the death shall also be reported to the Coroner, who shall enquire into the cause of death and, if no special report is to be made, shall sign the casualty report, which will be submitted to the Inspector-General of Prisons. In case of death from epidemic disease—if the Medical Officer certifies that such procedure is necessary—the body shall not be kept in the prison for an inquest, but shall be disposed of, the fact and cause of death being reported to the Coroner.

419. The nearest relatives of a prisoner shall be informed, as early as practicable, of his death, if their address is known. The body of a deceased prisoner shall be made over to his relatives or shall be buried, burnt or otherwise disposed of.

420. The death of any prisoner who has been measured by the Police should be reported to the Department with a view to the removal of the name from their records.

CHAPTER XVII.

TRANSFER OF PRISONERS.

Section 29, Act III of 1900.

421. The Inspector-General of Prisons is authorized—

(a) under section 29 (1) of the Prisoners' Act, 1900 (III of 1900), to remove a prisoner, being a member of a criminal tribe, or a police registered criminal and not being a native of this province, at any time not exceeding two months prior to his release, from any prison in this province either to the prison of the district to which he belongs or to the prison nearest

Resolution of the Government of India, Home Department (Jails), No. 446—458, dated the 8th August 1904, circulated with Government Order, Judicial Department, No 4563, dated the 30th August 1904.

to his native place provided that—

(i) notice shall be given in each case to the Inspector General of Prisons of the province to which the prisoner is removed

(ii) if a Local Government appoints any prison or prisons as receiving depôts for prisoners removed from other provinces, orders made under this rule shall in each case direct that the prisoner be removed to such prison

Government Resolution
Judicial Department, No. 4063,
dated the 20th July 1901

(f) under section 23 (c) of the said Act, to remove a prisoner confined in a prison—

(i) under sentence of death, or

(ii) under or in lieu of, a sentence of imprisonment or transportation or

(iii) in default of payment of a fine, or

(iv) in default of giving security for keeping the peace or for maintaining good behaviour,

to any other prison in this province

(e) to remove a prisoner whose detention in a prison of this

Government Order in the
Judicial Department No. 4063,
dated the 20th August 1901

province is deemed inexpedient to a prison in another province with the previous consent of the Inspector General of Prisons of the province to which it is proposed to remove him

NOTE.—Provided that the removal of a prisoner to or from Aden requires the special sanction of Government

122 No transfer of prisoners from one prison to another should be made without the previous sanction of the Inspector General. A nominal roll of all prisoners proposed to be transferred shall be submitted for sanction to the Inspector General

123 A report that the prisoners have been transferred should be sent direct to the Inspector-General on the day the prisoners leave the transferring prison and any alteration in the nominal roll noted

124 Six days' notice should be given to the Police and the Superintendent of the receiving prison when a body of prisoners exceeding fifteen in number is to be transferred

125 The strength and proportion of Police escorting prisoners *by road* whenever possible, shall be as follow:—

(1) For 1 prisoner 2 constables.

For 1 prisoner if the distance to be escorted is so great as to render halt for the night necessary *en route* to enable a sentry with relief being furnished at night

1 Head Constable and 3 constables

For 2, 3 or 4 prisoners ..1 Head Constable and 3 constables
For 5 or 6 prisoners ...1 Head Constable and 4 constables.
For every 2 prisoners above this number, one constable will be added.

(2) The proportion of guards to convicts transferred *by rail* from one prison to another may vary, and a guard that may be sufficient in one case and with one class of prisoners, may be too weak numerically in another case and with another class of convicts. As a general rule when the number of convicts to be transferred by rail exceeds twenty, an escort in the proportion of one Police Officer to every four prisoners would probably be large enough under ordinary circumstances. When the number of convicts to be moved is under twenty, or when the prisoners are men of desperate character and under very heavy sentences, the determination of the strength of the escort required in each instance shall be left to the discretion of the Superintendent of Police in consultation with the Superintendent of the prison from which the convicts are being transferred. Should an escape be attempted, and prisoners resist the efforts of the guard to prevent the escape, the guard would be fully justified in using arms for his own protection, or to overcome the prisoner's resistance, and, if necessary, for either purpose, to shoot or cut down the prisoner. This extreme course should never be resorted to, unless in cases of absolute necessity.

(3) Prisoners shall be despatched by local trains and not by mail trains. In escorting prisoners by rail a separate compartment of the lowest class shall be engaged, whatever the number of prisoners, in order that prisoners may not travel with other passengers. Timely notice of the intended despatch of prisoners by rail shall be given to the Railway authorities by the Chief Constable so as to enable the former to make suitable arrangements, the amount and class of accommodation required being specified. For purposes of economy the party, including guards, should be made up to ten or a multiple of that number, whenever practicable, so that there may be no loss of accommodation. (Rule 1051.)

426. All prisoners transferred by road shall ordinarily travel on foot. When carts are provided, a special report must accompany the bill showing the necessity for their entertainment. In case of illness the warder should apply to the nearest dispensary for advice. Carts may be provided for the kit.

427. The transferring prison should inform the receiving prison of the date of departure and probable arrival at their destination of the prisoners whose transfer is sanctioned.

428. On the day of the transfer, or in prisons where the prisoners have to start early in the morning on the day previous, the Medical Officer shall give a certificate that the prisoners are in a fit state for transfer and that they are free from any illness likely to render them dangerous to others. Any prisoner unfit to travel shall be detained.

429 When prisoners are transferred from one prison to another, the transferring prison shall send to the receiving prison, in charge of the warder who accompanies the party, a copy of each of the following forms duly filled in:—

A Nominal and descriptive roll and other particulars from No. 3 Register

B List of warrants and orders on appeal

C List of private property

D List of Government clothing and property

E Certificate of receipt.

F History ticket, and the warrants of prisoners and their property

The private clothing of prisoners should be sewn in bundles, and the warrants and packets of jewellery (the latter sealed) shall be handed over to the warder in charge.

NOTE.—It is unnecessary for a warder to accompany a party of prisoners who are being transferred if such party does not consist of more than ten including the escort.

430 The Medical Officer and Medical Subordinates are responsible that all hospital entries have been duly made in the History Ticket; the Jailor and Office Establishment that the other forms are duly filled in and that all punishments and all necessary entries as to remission have been duly recorded in the History Ticket. (Rule 524)

431 Form E, certificate of receipt is to be filled in and signed by the Superintendent and Jailor of the receiving prison and forwarded to the Superintendent of the transferring prison by the hands of the warder in charge of the party. If owing to any incompleteness in the documents, or to any difference between the number and description of prisoners and articles received, and the number and description as set forth in the documents, it is found impossible to sign the certificate, a report pointing out the inaccuracies complained of should be submitted to the Inspector General by the receiving prison through the Superintendent of the transferring prison, who will send it on at once with any explanation he may desire to offer.

432 Forms A, B and C will each contain particulars relative to each prisoner transferred. On the back of every warrant in which a fine forms part of the sentence, shall be endorsed whether the fine or any portion of it has been paid, and what remission has been granted on account of such payment.

433 The officer in charge of the guard shall be present at the searching and examination of the prisoners immediately previous to departure. On completion of this duty the prisoners shall be made over to him, with a list of the party. He shall then be entirely responsible for the safe custody of the prisoners, until they are made over to the Jailor of the receiving prison who shall grant him a receipt for the same.

434. The officer in charge of the escort shall take every precaution that females are separated from males and boys from men, and shall be responsible that the prisoners have no communication with outsiders and have no opportunity of obtaining forbidden articles. He shall be reminded, before starting, of his duties under this head.

435. All prisoners prior to transfer shall be carefully searched and their fetters examined before being handed over to the officer in charge of the escort. They shall be given a warm meal before starting.

436. Prisoners under transfer are to receive before starting the articles of diet requisite for the journey. In transfers involving a break of journey at Thána or Yerávda or any other station, with temporary incarceration in the prison of the halting station of the prisoners so transferred, the articles of diet requisite for the journey shall be supplied for the first portion of the journey by the prison from which the transfers are made and subsequently by the prison of the halting station. The money for road expenses shall be given to the prison warder who goes in charge of the gang, who shall arrange for the dieting of the prisoners and other matters not connected with the guarding of the prisoners and for the payment of the casual expenses *en route*, and on his return furnish a written account of the expenditure. Should his advance through unforeseen circumstances run short, he shall apply to the Superintendent of the nearest prison for money. The Superintendent of the prison applied to shall advance funds to the warder to a reasonable amount. (Rule 618.)

437. Prisoners sentenced to solitary confinement shall not be transferred to Extramural Prisons unless the solitary confinement has been carried out, and habitual convicts shall not be sent to such prisons without special sanction. As an ordinary rule, a prisoner shall not be transferred until the expiration of the period allowed for appeal or until the result of the appeal is known.

438. Prisoners sentenced to simple imprisonment shall not be transferred from one prison to another without special sanction. Convicts, who have to be produced on expiry of their sentence before the sentencing authority, should not, as a general rule, be transferred from one prison to another.

439. Prisoners sentenced to be flogged in addition to imprisonment shall not be transferred until their sentence of whipping has been carried out, annulled or commuted, as the case may be.

440. Prisoners in a bad state of health are not to be transferred from one prison to another unless for change of air for the benefit of their health, each case being separately considered.

441. No prison, in which there has been a case of infectious disease or any unusual sickness, shall, until twenty-one days have elapsed from the date of the latest seizure, make a transfer to

another prison and if a transfer be made from any prison in which there has recently been infectious disease or unusual sickness, the prisoners transferred shall not be received into any other prison until they shall have been examined by the Medical Officer

442 In the event of the Medical Officer considering it advisable that they shall not be admitted into the prison, special provision for their accommodation outside of the prison shall be made and the circumstances reported to the Inspector General of Prisons for the orders of Government

443 No transfers shall be made to or from any district when epidemic cholera is prevailing either in that district or along the line of road by which the prisoners must march

444 No prison in which epidemic sickness is prevailing shall receive any additional prisoners except new admissions from Courts

445 When a prisoner dies in transfer from one prison to another, the officer commanding the court shall at once report the circumstance to the nearest Magistrate who shall enquire into the case and submit his report direct to the Inspector General and shall arrange for the disposal of the body The Superintendent of the prison to which the prisoners are being transferred shall inform the deceased prisoner's relatives of his death if the address is known In such a case the death shall be debited to the transferring prison

446 The Superintendent of a prison shall take care that there shall be no unnecessary delay in communicating with the Superintendent of the prison to which prisoners have been transferred in each case where the sentence of any of the prisoners has been annulled or modified on appeal so that the prisoner concerned may receive the benefit as soon as possible

NOTE.—Judgment shall be given to the sentencing Court if a convict is set at liberty on the result of his appeal (known) sent to a prison other than that specified in the warrant.

CHAPTER XVIII

CLASSIFICATION OF PRISONERS

Sections 27 and 28, Prisons Act

447 The requirements of the Prisons Act, with respect to the separation of prisoners, are as follows —

(1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, in such a manner as to prevent their seeing or conversing or holding any intercourse with the male prisoners,

(2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating

them altogether, if practicable, from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not ;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners ; and

(4) civil prisoners shall be kept apart from criminal prisoners.

448. Subject to the requirements of Section 27 of the Prisons Act, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way or partly in the other.

449 Every prisoner sentenced under Section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), to imprisonment shall be kept in separate confinement, as defined in the Explanation to clause (8) of Section 46 of the Prisons Act 1894 (IX of 1894), and shall, unless he was under the age of fifteen years at the time of his conviction, be so kept for the whole period of his sentence

450 Prisoners under sentence of death, those undergoing solitary confinement, lunatics and lepers, shall be kept in separate cells

451. European and Eurasian convicts and Americans shall also be provided with separate accommodation from natives.

452 Wherever possible, convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or transportation.

453. Subject to the foregoing provisions in this chapter, all convicted prisoners shall be divided into two main divisions, *viz*, habitual convicts and others

NOTE—All prisoners sentenced to imprisonment in default of furnishing security under section 110, Criminal Procedure Code, shall be classed as habituals. (G. R., J. D No. 548, dated 24th January 1907)

454 For the purpose of this division the words "*habitual criminal*" shall mean a prisoner so classed—

- (1) by the Court or Magistrate that heard the case ,
- (2) by the District Magistrate or any Magistrate empowered by him on this behalf , or
- (3) subject to the control of the District Magistrate, by the officer in charge of the prison where the prisoner is—
 - (a) sentenced or believed to be liable to punishment under Section 75 of the Indian Penal Code ,
 - (b) under sentence enhanced by reason of more than one previous conviction ,
 - (c) known to have been repeatedly imprisoned for similar offences , or
 - (d) a member of a criminal tribe , or

(e) sentenced under section 2 of the Frontier Murderous Outrages Regulation 1901 (IV of 1901), to imprisonment provided that—

(1) any such Court or Magistrate as mentioned above may direct that a prisoner shall not be classed as an habitual criminal; and

(2) when there is room for doubt whether a prisoner shall be so classed or not the officer in charge of the prison shall refer the case for the orders of any such Court or Magistrate.

The classification of the Court shall be final but shall be reconsidered and be liable to modification by the Court in any case where a prisoner has been classed non-habitual, if after conviction and sentence passed for a previous conviction under Chapter VII or XVII of the Indian Penal Code is furnished by the Superintendent of a Jail or by the officer.

455 If the Courts omit to classify, the District Magistrate or any Magistrate empowered by him may do so.

456 In case of omission on the part of the Court and of the Magistrate the officer in charge of the prison may make the classification, subject to the general control and supervision of the District Magistrate.

457 Habitual convicts shall, as far as practicable be separated from others. They shall sleep in separate cells of the habitual ward throughout their sentence, so far as accommodation is available, and if it is insufficient for all, shall sleep there in rotation. It is discretionary with the Superintendent to alter the system of rotation in the case of very bad characters. In prisons where there is no special habitual ward a separate barrack or ward shall, if practicable, be set apart for habitual convicts, and by these means separations at meals, parades &c, will be generally effected. If it is impossible to separate the classes entirely during work Superintendents should do as much as can be done in this direction by locating habitual convicts in a definite part of the several work sheds or otherwise.

458 A light iron wristlet shall be rivetted on the wrist (the left for preference) of habitual and reconvicted convicts and on this wristlet shall be rivetted one or more small copper rings showing the number of convictions.

459 Habitual convicts not sentenced to transportation shall wear black caps. Convicts who have escaped from prison or jail or who have been punished by any Court for an offence committed while in prison shall wear a red cap and those sentenced to transportation shall wear a yellow cap. All other convicts shall wear white caps.

Note—The yellow caps of permanently unfit transports shall have a piece of blue cloth one inch square sewn on to the front. Unfit habitual transports shall have a piece of black cloth, one inch square sewn on the front of the cap. Habitual convict and permanently unfit transports, who have escaped from Prison or Jail, or who have been punished by a Court for an offence committed while in Prison shall have a piece of red cloth, one inch square sewn on the front of their caps.

160 Superintendents should note the distinction between an habitual convict and a reconvicted convict. All habitual

convicts except such as may be so classed because they are members of a criminal tribe, are, as a rule, reconvicted, but not all reconvicted convicts are habitual.

CHAPTER XIX.

GENERAL DISCIPLINE AND DAILY ROUTINE.

Sections 60 (E) and (9), Prisons Act

461. The ordinary daily routine, excepting on Sundays, Good Fridays, Christmas Day and the King-Emperor's Birthday shall be—

“Day-break—Open wards and cells and count prisoners.

Latrine parade

Washing parade.

Early morning meal.

Labour.

9 a.m.—Bathing parade.

Morning meal

Latrine parade.

Labour.

4 p.m.—Cease work.

Washing parade.

Evening meal.

Latrine parade.

6 p.m.—Count prisoners and lock up.”

No prisoner shall be required to perform any labour, save emergent work, or such as may be necessary for the conduct of the internal management and domestic economy of the Jail (*e g*, washing and repairing of clothes, cooking, sweeping, cleaning latrines, etc) on any of the following days, *i. e*, Sunday, Christmas Day, Good Friday, and the Birthday of the King-Emperor. When not employed, prisoners shall be locked in the sleeping wards and cells on holidays.

Note—See Rules 640 and 708

462 A bell will be rung as the signal for opening and closing the prison, distribution of meals, &c. The details of the daily routine shall be carried out systematically, the prisoners being always moved about together by word of command. Strict silence shall be maintained at all times. Parties when halted shall ordinarily be required to sit down, and when being moved shall receive the orders “rise” and “march.” At the first order the party will rise, and at the second move off steadily in twos. Prisoners shall on no account be allowed to wander about the yards unattended, at any time.

463 The wards and cells shall be unlocked at daybreak throughout the year. It shall, however, be open to the Medical Officer to recommend, during the cold and wet months, that the

Latracks should be opened at a later hour. Such recommendation shall be submitted to the Inspector General through the Superintendent for orders.

161 Previous to the opening of the wards the convict officers shall awake all the prisoners, and make them shake out and fold up, their blankets and sleeping mats neatly, and shall keep them in readiness to march out of the wards in file.

165 As soon as the wards and cells are unlocked, each prisoner shall take his bedding outside and place it in the space allotted for it. It shall then be spread out except on rainy days in the open for some hours, after which it shall be taken and placed on the proper berth by the convict officer in charge of the block or other officer, as the Superintendent may direct. If the weather prevents the bedding being placed in the open, they should be kept separately and not piled up in a corner in the ward. The beddings of a percentage of prisoners shall be occasionally examined to see if they are properly aired.

168 Directly the wards and cells are vacated, the night vessels shall be removed and the sweepers shall then thoroughly sweep and clean every part, all cobwebs, dust and dirt of every description being carefully removed from the roofing, corners, and elsewhere. The yards shall also be swept. The floors shall also (under the advice of the Medical Officer) be occasionally rubbed over with a mixture of clay and water.

167 As the prisoners leave the wards, they shall be counted and formed up and any prisoners complaining of illness shall be kept apart to be sent before the Medical Officer. This over, they shall be marched to the latrine and when they have been given an opportunity of resorting to it, they shall be marched to the bathing platform and shall be required to wash their hands, faces and feet.

168. After the latrine and washing parade, which should not take more than an hour is completed, the early morning meal shall be distributed. The prisoners will then be divided into gangs, each gang being placed in charge of a warder and convict officer. Care shall be taken that the number of the prisoners in each gang and the name of the officer in charge are recorded in a book so that there shall be no difficulty in proving to whose custody every prisoner in prison was made over.

169 The gangs will then be marched to their work, the prisoners being ranked in twos and required to keep in order. The distribution of labour will then be made by the Jailor in accordance with any rules laid down by the Superintendent. The Jailor shall see that no prisoner is put to or kept on work for which he is declared unfit.

170 After the morning meal is finished, the prisoners shall be marched to the latrine, given an opportunity of using it, and the gangs shall then be reformed and marched back to their work which shall continue till 4 P M. In the height of the hot

whether a mid-day rest may be allowed, care being taken that prisoners in good health labour not less than eight hours per day or until such time as they complete the task allotted to them. Arrangements shall be made for each prisoner to bathe daily in the hot weather, and in the cold and rains as often as the Medical Officer may direct. The convict officer shall see that each prisoner does bathe, unless excused by the Medical Officer.

471. After the evening meal is distributed the prisoners shall be given another opportunity of using the latrine and shall then be locked up.

NOTE — In those prisons where latrines are attached to the sleeping wards it may be desirable to close the latrines for certain hours during the night

472 If it becomes necessary to open a ward or cell during the night, as, for instance, in the case of a prisoner requiring medical attention, the official in charge of the keys shall break the seal, open the key box and take possession of the necessary keys, returning them to the key box when no longer required; and shall before being relieved report in the Jailor's Report Book the necessity for opening the key box. Care should be taken when removing a prisoner from a ward at night, that the other prisoners do not make a rush. To prevent this, ward doors should be provided with an iron chain which will allow of the door opening just enough to allow one person to pass at a time. (Rule 230.)

473. When it is necessary to let the cooks out before the general body of convicts, they shall for the preceding night be locked up together in a ward, the key of which shall be entrusted to the senior prison officer on night duty, who may unlock the ward at the prescribed hour.

474. As a general rule, and subject to the orders contained in Chapter XVIII, prisoners who work together shall as far as practicable sleep together so as to facilitate the formation of gangs, prevent inter-communication among prisoners, etc. Prisoners concerned in the same case shall not as a rule be confined in the same ward or employed in the same gang. All long term prisoners however should be frequently changed from barrack to barrack or cell to cell, as the case may be, to frustrate combined or individual attempts at escape.

475 The prisoners shall sleep on the raised berths provided in the wards or in wards where berths are not provided in the space marked off, and no prisoner shall be allowed to leave his berth or allotted space without first obtaining leave from the convict officer on duty.

476 A light shall be kept burning in every sleeping ward throughout the night. The light shall be so placed as to be inaccessible to the prisoners, and the convict officers on duty shall immediately report to the warder on duty if the light goes

out at any time during the night. It shall be the duty of the convict officer to prevent all noise and to maintain order in all respects, reporting any breaches of prison rules.

477 In each ward a night latrine shall be provided which shall, if possible be screened off, for the sake of decency. As prisoners are afforded sufficient opportunity of resorting to the day latrines, the use of the night latrines except as urinals should be as far as possible discouraged and the convict officer shall report any prisoner who makes a practice of using them for other purposes.

478. A receptacle for urine, one-fourth filled with water, shall be placed near each work shed or other place of labour. If in the course of the day any prisoner visits the latrine, at other than the appointed hours, from idleness or as an excuse for communicating with other prisoners, he may be punished.

479 The latrines shall be cleaned every morning and evening and oftener when necessary. The vessels belonging to the night latrines should be placed in their proper places in the wards by 3-30 p m.

480 On one morning in every week, which shall usually be Saturday or Monday the Superintendent shall hold an inspection parade of all prisoners at which the Medical Officer shall, if required be present, when every prisoner shall have an opportunity of making any complaint or application to the Superintendent. At this parade each prisoner shall have his clothing bedding and equipment arranged in line before him. After, or before the parade, the Superintendent shall visit the hospital and shall there hear any complaints or requests the inmates may have to make. Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade, and it shall be the duty of every prison official to produce before the Superintendent without unnecessary delay any prisoner desiring to see him. (Rules 49, 85, 245)

481. No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailor. The Jailor shall, at least once during the day visit all the prisoners and give them the opportunity of making representations and complaints on any urgent matter, such as appealing, assault or ill treatment. Any prisoner wishing to appeal or making such a complaint shall be brought by the Jailor before the Superintendent.

482 Every prisoner shall wash his clothing at least once a week and his lungoti daily at such times as the Superintendent may direct. This shall usually be done during the forenoon of Sunday. If necessary the Superintendent may detail prisoners for the purpose of washing any special portion of prison clothing and the private clothing of prisoners.

483 Every prisoner, unless too ill to be moved, shall be weighed before the morning meal without his clothes under the

superintendence of the Medical Subordinate, who will record the weight in the history ticket. Should any prisoner be in fetters the weight of the fetters should be deducted.

484. Prisoners shall obey the orders of the Superintendent, Jailor, Deputy Jailor, and European Warders. They shall obey the orders of the Medical Officer and the Medical Subordinate in matters connected with their health and treatment when ill, and shall also obey the orders of Head Warders, warders and convict officers, unless the order be one distinctly contrary to prison regulations in which case the prisoner shall report the matter as soon as possible to the Jailor.

485. Under section 42 of the Prisons Act of 1894 the introduction or removal or the attempted introduction or removal into or out of any prison and the supply or attempted supply to any prisoner outside the limits of a prison, except in accordance with rule and with the authority of the Inspector-General, the Superintendent, the Jailor, the Deputy Jailor, the Medical Officer or, in the absence of the latter, the Medical Subordinate, of any of the articles hereinbelow specified, are prohibited, that is to say :—

- (a) Alcohol and spirits of every description.
- (b) Bháng.
- (c) Betel.
- (d) Bank notes
- (e) Bamboos, ladders, clubs, sticks, and any implements capable of being used to assist in the escape of a prisoner or as implements for causing hurt.
- (f) Books.
- (g) Clothing.
- (h) Drugs of every description.
- (i) Food, fruit, sweets, condiments
- (j) Anything whatever for eating and drinking.
- (k) Fire-arms, explosive materials, weapons, knives and cutting implements of every kind
- (l) Gánja.
- (m) Gold, silver, copper or any metal in any form
- (n) Letters and writing materials of every description
- (o) Matches and materials for producing fire.
- (p) Money.
- (q) Opium.
- (r) Papers.
- (s) Playing-cards or other implements for gambling.
- (t) Postage stamps.
- (u) Rope, string or anything capable of being used to facilitate escape.
- (v) Snuff.

(w) Tobacco and appliances for smoking it, and any other article whatsoever not specially permitted by the prison rules.

486. Interference with the religion and caste prejudices of prisoners is prohibited, but care shall be taken that this rule is not made an excuse for frivolous complaints or unnecessary neglect of prison rules. Conservancy duties shall not be exacted from prisoners who owing to caste prejudices are not in the habit of performing such work when in a free state. The employment of Brahmin or other Hindu cooks to do the major portion or all of the cooking is permitted as also the separation of high caste Hindus from Mahomedans during meal times. Separate fire-places shall on no account be permitted, but a Brahmin received into prison may, if there is no Brahmin prisoner cook, prepare his own meals in the prison kitchen in addition to his ordinary labour. In any case in which the Superintendent is in doubt as to whether a plea advanced by a prisoner as regards a caste matter, is valid or otherwise a reference shall be made to the Inspector-General of Prisons who, after making due and proper inquiry, shall decide the matter and such decision shall be final.

487. The keys of the prison shall, when not in use, be kept in a box affixed to the wall between the main gates. The key of the treasure chest shall at all times be in possession of the Superintendent unless otherwise ordered by the Inspector-General and that of the safe containing the prisoners' jewellery, &c in the keeping of the Jailor. After the prisoners are counted and the prison is locked in the evening all keys, except those of the treasure chest the jewellery safe, the key box, and the keys of the wickets of the outer and the inner gates, shall be collected and counted by the Jailor. They shall then be locked in the key box. The key of the box together with the keys of the wickets of the inner and outer gates shall be entrusted to the senior officer on night duty. In the event of any key being lost or mislaid the lock to which such key belongs shall be immediately withdrawn from use. Repairs to keys shall either be carried out in the prison factory, under the *immediate* supervision of a senior official or in the bazar.

488. Books from the Prison Library, if there be one may be allowed to well conducted European and Native prisoners at the Superintendent's discretion. Slates and pencils may be issued to prisoners if the Superintendent thinks fit. No private books are to be allowed. Books for the Library should only be purchased with the sanction of the Inspector-General of Prisons and when there is Budget provision

CHAPTER XX

OFFENCES AND PUNISHMENTS.

(Sections 45 to 53, Prisons Act)

Home
Department
Resolution
No 12 Jails—
503 510, dated
the 31st
August 1896,
Appendix II,
Part I

489 The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison, and to have committed a prison-offence within the meaning of section 45 of the said Act.—

(1) Talking during working hours, and on parade or talking loudly, laughing, or singing at any time after having been ordered by an officer of the prison to desist,

(2) Quarrelling with any other prisoner,

(3) Secreting any article whatever,

(4) Showing disrespect to any jail officer or official visitor;

(5) Making groundless complaints,

(6) Answering untruthfully any question put by an officer of the prison or an official visitor,

(7) Holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil or under-trial prisoner, or a prisoner of a different class in disobedience of the regulations of the prison,

(8) Abetting the commission of any prison-offence;

(9) Omitting to assist in the maintenance of discipline by reporting any prison-offence or to give assistance to an officer of the prison when called on to do so,

(10) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow-prisoner;

(11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison,

(12) Leaving, without permission of an officer of the prison, the gang to which he is attached, or the part of the prison in which he is confined,

(13) Leaving, without permission of an officer of the prison, the ward, the yard, the place in file, the seat or the berth assigned to him,

(14) Loitering about the yards, or lingering in the wards when these are open;

(15) Omitting or refusing to march in file when moving about the prison,

(16) Visiting the latrines or bathing platforms except at stated hours or without permission of an officer of the prison, or resorting unnecessarily to the night latrine or omitting or refusing to employ dry earth in the manner directed by the prison regulations,

(17) Refusing to eat the food prescribed by the prison diet scale;

(18) Eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners,

(19) Removing without permission of an officer of the prison, food from the cook room or godown or from the place where meals are served or disobeying any order as to the issue and distribution of food and drink;

(20) Wilfully destroying food, or throwing it away without orders,

(21) Introducing into food or drink anything likely to render it unpalatable or unwholesome

(22) Omitting or refusing to wear the clothing given to him or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it

(23) Removing, defacing or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person

(24) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails;

(25) Omitting or refusing to keep clothing blankets, bedding fetters, neck rings, neck tickets, iron cups or platters clean, or disobeying any order as to the arrangement or disposition of such articles;

(26) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern

(27) Stealing the prison clothing or any part of the prison kit of any other prisoner;

(28) Committing a nuisance in any part of the prison;

(29) Spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison,

(30) Wilfully besouling the wells, latrines, washing or bathing places,

(31) Damaging the trees and vegetables in the garden of the prison, or maltreating the prison cattle;

(32) Omitting or refusing to take due care of all prison property entrusted to him ;

(33) Omitting or refusing to take due care of, or injuring, destroying or misappropriating, the materials and implements entrusted to him for work ;

(34) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implements ;

(35) Manufacturing any article without the knowledge or permission of an officer of the prison ,

(36) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task ,

(37) Appropriating any portion of the task performed by another prisoner ;

(38) Mixing or adding any foreign substance to the materials issued for work ,

(39) Wilfully causing to himself any illness, injury or disability ,

(40) Causing, or omitting to assist in suppressing, violence or insubordination of any kind ;

(41) Taking part in any attack upon any prisoner or officer of the prison ,

(42) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner ,

(43) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.

Home
Department
Resolution
No 161-172
(Jails), dated
25th June
1908,
Appendix II.

490 For a prison offence any one of the following punishments involving loss of privileges admissible under the remission system may be awarded :—

(a) Forfeiture of remission earned.

(b) Temporary forfeiture of class, grade or prison privileges

(c) Temporary or permanent reduction from a higher to a lower class or grade.

(d) Temporary or permanent exclusion from the remission system.

Provided that—

No order directing the forfeiture of remission in excess of nine days, or the exclusion of a prisoner from the remission system for a period exceeding three months shall take effect without the previous sanction of the Inspector-General.

401 The Governor General in Council is pleased to order that the punishments enumerated in section 18 of the said Act including those prescribed by the Governor General in Council under section 48 clauses (1), (6) and (7) shall be classified into minor and major punishments.

Home
Department
Resolution
No. 161 17*
(Jails), dated
10th June
1909
Appendix
III

The following punishments shall be considered minor punishments —

- (1) Formal warning;
- (2) Change of labour to some more irksome or severe form;
- (3) Forfeiture of remission earned, not exceeding 3 days
- (4) Forfeiture of class, grade or prison privileges for a period not exceeding 3 months;
- (5) Temporary reduction from a higher to a lower class or grade;
- (6) Penal diet;
- (7) Solitary confinement for not more than 48 hours
- (8) Cellular confinement for not more than 7 days
- (9) Separate confinement for not more than 14 days
- (10) Imposition of hand-cuffs otherwise than by handcuffing a prisoner behind or to a staple;
- (11) Imposition of link fetters for not more than 30 days; and

(12) Substitution of gunny or other coarse clothing for the portion of the ordinary prison dress which is not woollen

The following punishments shall be considered major punishments —

(1) Hard labour in the case of prisoners not sentenced to rigorous imprisonment;

(2) (a) Forfeiture of remission earned exceeding 3 but not exceeding 9 days;

(b) Forfeiture of remission earned, in excess of 9 days;

(c) Forfeiture of class, grade or prison privileges for a period exceeding 3 months;

(d) Exclusion from the remission system for a period not exceeding 3 months

(e) Exclusion from the remission system for a period exceeding 3 months;

(f) Permanent reduction from a higher to a lower class or grade;

(3) Solitary confinement for a period exceeding 48 hours;

(4) Cellular confinement for a period exceeding 7 days

(5) Separate confinement for a period exceeding 14 days

Section 48 (1), Prisons Act

(6) Link fetters, if imposed for more than 30 days;

- (7) Bar-fetters ;
- (8) Cross-bar fetters ;
- (9) Hand-cuffing behind or to a staple ;
- (10) Penal diet combined with solitary confinement for more than 48 hours ,
- (11) Whipping , and
- (12) Any combination of punishments admissible under section 47 of the Act.

Note (1).—The major punishments 2 (b) and 2 (c) and any combination of the major punishments 2 (b), 2 (c) and 2 (e) shall not be awarded by the Superintendent of a Prison without the previous sanction of the Inspector-General of Prisons

Note (2).—Forfeiture of deferred pay may not exceed 3 months without the sanction of the Inspector-General.

Note (3).—Hand cuffs may be imposed on the wrist in front by day or night for a period of not more than 12 hours at a time, with intervals of not less than 12 hours between each period, and for not more than 4 consecutive days or nights. Hand-cuffs shall be iron bar hand-cuffs weighing, with lock, not more than 2 lbs each, or swivel with spring-catch hand-cuffs weighing not more than 1½ lbs each, or chain hand cuffs weighing not more than 1 lb. each

Note (4).—Link-fetters shall be composed of a chain and ankle rings. The total weight of such fetters, including the ankle rings, shall not exceed 3 lbs. and the chain shall not be less than 2 feet in length (Limit 12 months.)

Note (5).—Bar-fetters shall be composed of 2 bars joined together by a link and attached to ankle rings. The total weight of such fetters, including ankle rings, shall not exceed 5 lbs. and each bar shall be not less than 20 inches in length. (Limit 6 months)

Note (6).—Cross-bar fetters shall be composed of a single bar for the purpose of keeping the legs apart and of ankle rings. The total weight of such fetters, including ankle rings, shall not exceed 2½ lbs. The length of the bar shall not exceed 16 inches in the case of men who are not less than 5 feet 6 inches in height, or 14 inches in the case of men below this height. (Limit 240 hours)

Note (7).—Hand-cuffing behind or to a staple—Hand cuffs may be imposed—

- (a) on the wrists behind by day only for a period of not more than 6 hours in any day of 24 hours and for not more than 4 consecutive days ;
- (b) by attaching the hand-cuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than 7 consecutive days and for not more than 9 hours on each day, with an interval unshackled of at least one hour after the hand-cuffs have been so attached for not less than 3, or more than 5 hours ;
- (c) the above-named staple shall not be on a level higher than the prisoner's shoulders nor lower than his waist, and no prisoner shall be attached by hand-cuffs to a staple except in the presence of other prisoners.

492. A prisoner while undergoing punishment in hand-cuffs shall be under complete shelter from the sun.

493. Whenever application is made for sanction of the Inspector-General to any punishment the following particulars, in addition to the punishment to be awarded, shall be furnished — Name and register number of prisoner, sentence, date of sentence, number of times punished with date of last punishment, and amount of remission earned.

491 In respect of offences committed by prisoners which are punishable both under the Indian Penal Code, or section 42 of the Prisons Act, or any other criminal law, and under the rules it shall be discretionary with the Superintendent either to use his own powers of punishment as set forth in these rules, or to prosecute the offender before a Court or Magistrate provided that in the case of the following offences a prosecution shall be initiated, viz—

Home
Department
Resolution
No. 1—Jails—
CCO-310
dated 15th Aug.
1914
Appendix II
Part III

(1) Rioting—

Section 147, I P C—Rioting
" 148, " —Rioting armed with a deadly weapon
" 152, " —Assaulting or obstructing public servant when suppressing riot

Note—The term "public servant" includes constable—Section 23 Prisons Act.

(2) Escape—

Section 222, I P C—Intentional omission to apprehend on part of a public servant
" 223, " —Escape negligently suffered by a public servant
" 224, " —Escape

(3) Offence affecting the human body—

Section 304A, I P C—Causing death by rash or negligent act
" 307, " —Attempt to commit suicide
" 325, " —Voluntary causing grievous hurt
" 326, " —Voluntary causing grievous hurt by dangerous weapons

(4) Any offence triable exclusively by the Court of Session

495 No prisoner shall be punished twice for the same offence

496 All prison punishments shall be recorded in the Punishment Book Register No 7

497 No punishment of penal diet, either singly or in combination with another punishment, or of whipping or of change of labour under section 46, clause 2, Prisons Act shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the Punishment Book. If he considers the prisoner unfit to undergo the punishment awarded, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any modification (e.g., in the length or scale of penal diet, or number of stripes) necessary. In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health, Rule 275. In the case of juvenile offenders the number of stripes inflicted shall not exceed fifteen.

498. No punishment of whipping shall be inflicted in punishments, or except in the presence of the Superintendent Medical Officer or Medical Subordinate. Whipping shall in all cases be inflicted on the bare buttocks with a cane. The cane employed shall never exceed the legal minimum of half an inch in diameter in the case of persons over 16 years of age, and in the case of juvenile offenders a still lighter cane shall be employed. The practice shall invariably be adopted of spreading a thin cloth soaked in some antiseptic over the prisoner's buttocks during the operation. A drawing stroke is forbidden. A prisoner sent to hospital after flogging shall not be put on work till certified as fit by the Medical Officer after personal examination.

499. Under section 52 of the Prisons Act if any prisoner is guilty of an offence against prison discipline, or any offence by reason of his having frequently committed such offences, or otherwise, in the opinion of the Superintendent is not adequately punishable by infliction of any punishments which he has power to award under this Act, the Superintendent may forward a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to the term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in the foregoing rules. If the Magistrate declines to act under this section, the Superintendent may award such punishment authorised by these rules as he may deem expedient and the prisoner is fit to undergo. But no prisoner shall be punished twice for the same offence.

500. No female prisoner or civil prisoner shall be liable to any form of handcuffs or fetters or whipping as a punishment for a prison offence.

501. "Penal diet" for Europeans shall consist of bread 1 lb., fuel 1 lb., water *ad libitum*, or wheat flour 1 lb., salt 6 dis., fuel 1 lb. and water *ad libitum*. In the case of native prisoners including Burmese, Chinese and Malays, it shall consist of bajowári, or náglí flour 16 ozs. (conji or bread), salt 6 dis., fuel 1 lb. and water *ad libitum*. Penal diet shall in no case be inflicted on a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence, until after an interval of one week. Prisoners ordered penal diet when not combined with solitary confinement shall be fed quite apart from the others, and shall be allotted their usual tasks.

502. "Separate confinement" means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him at least one hour's exercise *per diem* and to have his meals in association with one or more other prisoners.

503 "Cellular confinement" means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners. After each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement.

504 "Solitary confinement" means such confinement with or without labour as entirely secludes the prisoner both from sight of and communication with other prisoners. After each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement. (Rules 399 and 400)

NOTE.—The construction of cell in most prisons will not admit of confinement being made solitary in the full sense of the above definition as to the arrangements which must be carried out for isolating the prisoner and attending to the convenience of the cell.

505 Except by order of a Court of Justice no punishment other than the punishments specified in the foregoing rules shall be inflicted upon any prisoner and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of these rules.

CHAPTER XXI

THE REMISSION SYSTEM AND TICKET OF LEAVE.

Rules made by the Governor General in Council under section 59 (5) of the Prisons Act, 1891 to regulate the shortening of sentences by the grant of remissions (vide Home Department Resolution No 161—172 (Jails) dated 20th June 1908 Appendix I)

506 (1) These rules apply to the whole of British India inclusive of British Baluchistan and the Sonthal Jarganas.

(2) In these rules—

- (a) "prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour
- (b) "class 1 prisoner" means a thug, a robber by administration of poisonous drugs or a professional, hereditary or specially dangerous criminal convicted of heinous organised crime, such as dacoity
- (c) "class 2 prisoner" means a dacoit or other person convicted of heinous organised crime not being a professional, hereditary or specially dangerous criminal,
- (d) "class 3 prisoner" means a prisoner other than a class 1 or class 2 prisoner,

granted under Rule 510, or, if the convict is a convict officer, under Rule 511. All remissions recorded on the prisoner's history ticket shall be entered quarterly on the remission sheet (or card)

517. The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history ticket. Remission granted to a prisoner under Rule 514 shall be recorded on his history ticket as soon as possible after it is awarded.

518. No prisoner shall receive ordinary remission for the month in which he is released

519. Special remission may be given to any prisoner other than a prisoner undergoing a sentence referred to in Rule 507 for special services, as for example:—

- (1) assisting in detecting or preventing breaches of prison discipline or regulations,
- (2) success in teaching handicrafts,
- (3) special excellence in, or greatly increased outturn of, work of good quality,
- (4) protecting an officer of the prison from attack,
- (5) assisting an officer of the prison in the case of outbreak, fire or similar emergency;
- (6) economy in wearing clothes

520. Special remission may be awarded—

- (a) by the Superintendent to an amount not exceeding 30 days in one year,
- (b) by the Inspector-General or the Local Government to an amount not exceeding 60 days in one year

Explanation—For the purpose of this rule years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year

521. An award of special remission shall be entered on the history ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded

522. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Local Government, exceed one-fourth part of his sentence.

523. (a) In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of 30 days to each month.

(b) In calculating the date of release, the remission earned should be deducted from the substantive sentence as follows—months should be first subtracted and then days.

(c) When a life-convict who is either

(a) a class I prisoner, or

(b) a class II or class III prisoner, with more than one sentence or

(c) a prisoner in whose case the Local Government has passed an order forbidding his release without reference to it

has earned such remission as would entitle him to release but for the provisions of this rule the Superintendent shall report accordingly to the Local Government in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure 1908

(d) Save as provided by clause (c) when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him

(e) When a prisoner is released under clause (d) the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

524 When a prisoner is transferred to another jail the total amount of remission earned by him up to the end of the preceding quarter shall be endorsed on his warrant and entered in his history ticket, these entries being signed by the Superintendent.

(a) The receiving jail shall be responsible that the above information is duly obtained. Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail

(b) Remission sheets (or cards) shall be retained in the office of a jail for a period of one year after the release of the prisoner to whom they relate or his transfer to another jail

Notes to remission rules

Note 1 (To Rule 500).—The case of all life-convicts and of all prisoners sentenced to more than 14 years imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate 14 years shall, when the term of imprisonment undergone together with any remission earned under the rules amounts to 14 years be submitted for the orders of the Local Government in accordance with the instructions contained in the Home Department Resolution No. 150—57 (Jail), dated the 6th September 1905

Note 2 [To Rule 508 (1)].—The intention of this rule is that if a prisoner's sentence or total of sentences is reduced on appeal to less than one year he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited. See in this connection the definition of "sentence" in Rule 506 (7) (d).

Note 3 (To Rule 523).—The remission earned by a class I or class II prisoner shall be deducted from the sentence and shall be passed under such police surveillance as the Local Government may prescribe

Note 4 (To Rule 523 (c) and (d)).—The intention of these rules is (a) that the cases of class I life-convicts, of class II or class III life convicts who have more than one sentence for offences committed either before their admission to Jail or while in Jail, and of any other life-convicts in whose cases the Local Government may have deemed it desirable, should be submitted for the special orders of the Local Government as to whether release should be granted, and, if so, on what conditions (such conditions must, it should be noted, be prescribed by order under section 401, Code of Criminal Procedure), and (b) that all other convicts should, on the expiry of their sentences, less the periods of remission earned, be released unconditionally without any special orders from the Local Government.

Note 5.—If a convict is undergoing two consecutive sentences one of which is for a term of one year or upwards, he may—if one of the sentences is remitted on appeal and the other sentence is not less than a year—he allowed the benefit of any remission that may be to his credit at the time of the reversal of the sentence above referred to.

Note 6.—When a convict is punished by temporary removal from the Remission Register the award of punishment shall state specifically the period for which the name has been removed. In the event of a convict being transferred to another prison after his permanent removal from the Remission Register, any recommendation regarding his restoration to the benefits of the remission system shall be sent through the Superintendent of the prison in which the convict's name was removed from the Remission Register.

Note 7.—Special remissions under Rule 519 should be sparingly awarded to convict warders and convict overseers.

N B.—The above notes should not be regarded as part of the statutory rules, they have merely been inserted for convenience of reference and with the object of assisting officers to interpret the rules.

TICKET OF LEAVE.

Bombay
Government
Notification
dated the
22nd March
1871

525 Convicts transported to Bombay and confined in any of the prisons shall be subject to the discipline laid down for their inmates by the rules or regulations in force and by the orders of the Inspector-General of Prisons or Government.

526 Such prisoners shall be put to hard labour as other convicts with whom they may be imprisoned.

527. When a convict of the class mentioned in Rule 525 who has been ordered to be transported for seven years shall have been confined for four years, or if transported for fourteen years shall have suffered six, or if transported for life shall have suffered eight years' imprisonment, such convict may, provided his conduct is exemplary, be allowed to reside in the vicinity of any prison or jail in the Presidency of Bombay which the Inspector General shall from time to time specify, on condition, 1st, of his good conduct, 2nd, that he presents himself to such officer, and at such intervals (not less frequent than once a month) as the Inspector-General of Prisons shall from time to time appoint; 3rd, that he remains constantly within certain limits, to be settled from time to time by the Inspector-General.

528. Before any convict is released from prison under the above rules, the sanction of Government shall be obtained through the Inspector-General.

NOTE.—In applying for sanction, a nominal roll and a copy of the prisoner's warrant should accompany the application.

Burmese prisoners are ordinarily not eligible for release on ticket-of-leave (vide paragraph 28 of Home Department Resolution No. 10 Jails, OLC 23, dated the 9th November 1892).

529 Nothing in Rule 527 shall be held to prevent the Government from at any time permitting a convict, of whom it has been duly certified that a continued residence in prison endangers life, to reside outside a prison under such rules and conditions, and for such time as the Government may deem fit

530 A convict may in like manner be permitted by Government at any time to reside outside the prison as a reward for signal service

CHAPTER XXII

CONVICT OFFICERS

Sections 23, 60 (a)

531 In every prison there shall be three grades of convict officers —

- (1) Convict warder,
- (2) Convict overseer, and
- (3) Convict night watchman

532 Only convicts on the Remission Register are eligible for the post of convict officers

533 Superintendents are empowered, subject to the rules herein laid down to appoint convict officers of all grades

534 The employment of convicts sentenced for rape or unnatural offences as convict officers of any grade is prohibited. The employment of habitual convicts as convict officers of any grade is prohibited except under the written sanction of the Inspector General, which will only be accorded in very special cases

535 Every privilege to which a convict officer may be entitled, under these rules, is permissible only during good conduct and may be forfeited for misconduct

536 Promotion to any grade of convict officer is contingent on the convict being physically fit to perform the duties of the office

537 Should any convict officer, after appointment, become permanently incapacitated, physically or mentally, to perform the duties required of him, or should he be deemed by the Superintendent of the Prison as a person unfitted for the duties of his post, he may be reduced with the sanction of the Inspector General

538 Male convicts whose substantive sentences—that is sentences exclusive of sentences in lieu of fines—are less than two years and female convicts shall not—save with the special sanction of the Inspector-General—be promoted above the grade of convict overseer

539. Convicts sentenced to a term of simple imprisonment, are not eligible for the posts of convict officers unless they elect to labour throughout their term of imprisonment.

540. Every convict officer shall be liable for misbehaviour to reduction to convict, or any intermediate grade, and any convict officer so reduced shall not be eligible for promotion again except in accordance with Rule 544.

NOTE.—The qualifying remission referred to in Rule 544 must, as regards convicts promoted under this rule, be earned after reduction.

541. If a convict officer is reduced for the offence of insolence or insubordination, accompanied by violence, he shall not again be eligible for the post of convict officer during the current term of his imprisonment. If a convict officer escapes, or assists or connives in the escape of other prisoners, he shall be permanently reduced in addition to any other punishment.

542. In those cases in which a convict has been appointed a convict officer under the written sanction of the Inspector-General, the number and date of the order conveying such sanction shall be entered at the head of the page in Register No 22 in which the convict officer's name appears.

543. Convict overseers shall ordinarily be selected from the ranks of convict night-watchmen and convict warders from the ranks of convict overseers.

544. The following rules shall serve as a guide in the selection of convict officers.—

(1) A convict sentenced to imprisonment for a term of one year and under two years, shall be eligible for the post of—

(a) convict night-watchman { after he { 14 }
and (b) convict overseer . . { has earned { 25 } } days.

(2) A convict sentenced to imprisonment for a term of two years and under three years shall be eligible for the post of—

(a) convict night-watchman { after he { 21 }
(b) convict overseer ... { has { 33 }
and (c) convict warder ... { earned { 63 } } days.

(3) A convict sentenced to imprisonment for a term of three years and under four years, shall be eligible for the post of—

(a) convict night-watchman { after he { 28 }
(b) convict overseer .. { has { 51 }
and (c) convict warder ... { earned { 81 } } days.

(4) A convict sentenced to imprisonment for a term of four years and under six years, shall be eligible for the post of—

(a) convict night-watchman { after he { 42 }
 (b) convict overseer { has { 60 } days.
 and (c) convict warder { earned { 90 }

(5) A convict sentenced to imprisonment for a term of six years and under 10 years shall be eligible for the post of—

(a) convict night watchman { after he { 50 }
 (b) convict overseer { has { 70 } days
 (c) convict warder { earned { 170 }

(6) A convict sentenced to imprisonment for a term of ten years and under fifteen years, shall be eligible for the post of—

(a) convict night watchman { after he { 70 }
 (b) convict overseer { has { 116 } days
 (c) convict warder { earned { 263 }

(7) A convict sentenced to imprisonment for a term of fifteen years and over, shall be eligible for the post of—

(a) convict night watchman { after he { 90 } days
 (b) convict overseer { has earned { 167 }

and (c) convict warder after he has passed half of his sentence and has earned not less than 318 days

NOTE—In this rule the word "imprisonment" includes "transportation" and "penal servitude" and in reckoning "term of imprisonment" any sentence in lieu of fine is to be excluded.

515. If there be no convict in a prison who shall have obtained the requisite amount of remission qualifying for the post of any grade of convict officer in which there is a vacancy, the Superintendent shall either apply to the Inspector General for the transfer of a qualified convict from another prison, or shall recommend a convict of the prison in charge of that Superintendent, who though not qualified according to the provisions of Rule 514, has in the opinion of the latter the first claim on such vacancy. In the latter case the appointment shall *not* be made until the sanction of the Inspector General has been received.

546 Convict officers of any grade shall not be transferred to other prisons without the *special* sanction of the Inspector General, which shall always be obtained before the transfer is effected.

547 Convict officers shall not be required to have their heads shaved and beards clipped—cleanliness in these matters must, however, be maintained—and shall be exempt from wearing fetters and ankle rings. Their body tickets shall not be exposed to view, but shall be encased in a small pocket provided on the left breast piece of the coat.

548. Convict officers shall receive the scale of diet laid down for them in the dietary. No extras beyond those stated shall be allowed to convict officers. Convict overseers and convict night-watchmen shall take their meals separately from ordinary prisoners though, if deemed desirable by the Superintendent, in the same yard with the latter. Convict warders shall take their meals altogether apart from other prisoners.

549. Convict warders, convict overseers, and convict night-watchmen shall be classed as convict officers in all returns.

550. The maximum number of convict warders ordinarily permissible shall be one to every eight (and surplus fraction of eight) warders on the paid permanent warder establishment.

551. The maximum number of convict overseers ordinarily permissible shall be 5 per cent of the total number of prisoners that the prison can accommodate.

NOTE—Any departure from the provisions of these rules requires the special sanction in writing of the Inspector-General.

552. No fixed number of convict night-watchmen can be prescribed for general adoption owing to the widely divergent nature of the structural arrangements of prisons.

553. The dress of a convict warder shall consist of a blue coat with five plain brass buttons, canary yellow (knickerbocker) trousers, with or without puttees according to the climate of the locality in which he is employed, and canary yellow turban. He shall wear a black leather belt with brass belt-plate 3" \times 2½" with the words "convict warder" and the name of the prison engraved thereon. He shall also be allowed a pair of sandals and shall carry a baton.

554. When acting for a paid warder on leave, a convict warder shall wear one red stripe on his right arm just above the cuff of the right sleeve.

555. The dress of a convict overseer shall consist of a white coat with five plain zinc buttons, canary yellow (knickerbocker) trousers with or without puttees according to the climate of the locality in which he is employed, canary yellow turban and black leather belt with a zinc belt-plate 3" \times 2½" on which the words "convict overseer" shall be engraved or stamped. He shall carry a baton.

556. The dress of a convict night-watchman shall be the same as that of an ordinary convict with the addition of a white badge 3" \times 1" with the letters "WATCH" marked on it with blue thread, and affixed to the front of his cap, the colour of which shall be white. The trousers shall be made after the pattern of knickerbockers with or without puttees according to the climate of the locality in which he is employed.

557. Convict night-watchmen and convict overseers may—if the Superintendent thinks sandals necessary—be allowed to purchase sandals for themselves out of their gratuities. Sandals shall in all cases be of plain unornamental make.

558 The privileges attached to the post of convict warden are—

- (1) Exemption from corporal punishment, and penal diet
- (2) To receive and reply to a letter or *vice versa*, or to have an interview once a month
- (3) To earn under the Remission System
 - (a) four days monthly for good conduct and scrupulous attention to prison regulations
 - (b) four days monthly for satisfactory performance of duties allotted
- (4) To earn "deferred pay" at the rate of one rupee per mensem.
- (5) To be allowed once a day a smoke of tobacco at a place within the prison walls and at an hour fixed by the Superintendent

559 The privileges attached to the post of convict overseer are—

- (1) Exemption from corporal punishment, and penal diet
- (2) To receive and reply to a letter or *vice versa*, or to have an interview once in two months
- (3) To earn under the Remission System
 - (a) three days monthly for thoroughly good conduct and scrupulous attention to prison regulations
 - (b) three days monthly for industry and the due performance of his duties
- (4) To earn "deferred pay" at the rate of eight annas per mensem

560 The privileges attached to the post of night watchman are—

- (1) To receive and reply to a letter or *vice versa*, or to have an interview once in three months
- (2) To earn under the Remission System
 - (a) two days monthly for thoroughly good conduct and scrupulous attention to prison regulations
 - (b) two days monthly for industry and the due performance of the daily task imposed upon him
- (3) To earn "deferred pay" at the rate of four annas per mensem

NOTE.—A convict officer who by reason of being at Court, in hospital, in transit from one jail to another or in an invalid gang, who does not perform his regular duties and is absent from such for a period of one month, shall be debarred from earning remission under clause (b) of Rules 558 (3), 559 (3) and 560 (*), but remission under clause (a) of above rules shall be awarded according to the convict officer's conduct during the time he has actually been present in the jail.

561. The duties of a convict night-watchman, in addition to his daily allotted labour and task during the day, shall be to—

(a) patrol the inside of wards and assist in maintaining discipline and order at night,

(b) prevent prisoners leaving their berths except with permission and for a necessary purpose,

(c) count prisoners frequently, satisfy himself that all are present and answer challenging patrols,

(d) prevent, as far as lies in his power, any breach of Jail rules by any prisoner in his charge, and report the same,

(e) report cases of sickness and the use of latrines otherwise than at the times specified for that purpose,

(f) assist in quelling any disturbance and, in cases of necessity, defend any official;

(g) assist the warders in discharge of their duties,

(h) to act when so required as a gate-keeper of a work shed or barrack yard,

(i) at all times to do everything in his power to prevent escape and to bring immediately to the notice of the Prison authorities any plot to escape or any projected emeute by other prisoners which may come to his knowledge (Rule 51)

562. The duties of a convict overseer shall be to—

(a) perform all or any of the duties of a convict night-watchman which he may at any time be called upon to perform,

(b) to supervise the labour of prisoners and maintain order and discipline among them;

(c) to look after factory tools and appliances,

(d) to see that bathing and other parades are properly carried out, to see that prisoners keep themselves, their clothing, pots and plates and fetters clean,

(e) to escort prisoners about the Prison when so required

(f) to assist in patrolling and guarding the Prison by day and night

563 As the grade of convict warder is expected to supply vacancies in the paid warder staff caused by sickness of brief duration, or absence on privilege leave, the duties expected of this grade of convict officer shall be the same as those allotted to a paid warder, and he shall take all the responsibilities in connection with such by day as well as night. His duties should, except in cases where he is required to assist in extramural

work, be limited to the area within the prison walls or boundaries. (Rule 556)

561 The monthly earnings of deferred pay by convict officers and the departmental fines inflicted on them shall be credited and debited as book entries in Register No. 22 and the amount due to any convict officer shall only be drawn from the treasury when it is actually required for disbursement on the release or death of the said convict. During the period a convict officer is in hospital he is not entitled to earn deferred pay if such period exceeds a week. If the period is one week or less full pay may be granted.

565 Deferred pay expended in purchasing the extras referred to in Rule 557 shall also be debited in Register No. 22.

566 Deferred pay shall be drawn in the Contingent Bill. For the purposes of the preparation of the Annual Tabular Statements any deferred pay that may be drawn shall be shown under the main head "Miscellaneous Services and Supplies" and the sub-head "Money payments as rewards for recapture and service". The following information should be given in the detailed Contingent bill for the month in which the amount of "deferred pay" is drawn:—

Date of appointment as Night watchman,

" " " Convict overseer,

" " " Convict warder

567 In any case when the deferred pay of a convict officer is drawn six months after the release of the convict officer concerned, the bill for the same shall be sent through the office of the Inspector General to the Accountant General for pre-audit, with an explanation of the delay.

568 Deferred pay shall when the promotion is not made on the first day of the month only be reckoned from the first of the month following that in which a convict is promoted to a convict officer. This rule also applies in the case of increased pay on the promotion of a convict officer from a lower to a higher grade. When the promotion is made on the first day of the month, the pay or increased pay, as the case may be, reckons from the date of such promotion. In the case of reduction the convict officer reduced will draw the pay of the grade to which he may be reduced from the first of the month in which the reduction has been ordered, in the case of reduction to convict no deferred pay being drawn for the month in which such reduction has taken place.

569 A convict officer is entitled to earn deferred pay for the fraction of a month in which his death takes place or in which he is released on expiry of sentence. In case of transfer, deferred pay shall be allowed at the full rate during transit.

570 As the deferred pay of a convict officer only falls due at the time of his release or decease, it shall not be used by the

prisoner in any other manner than that laid down in Rule 565 except to pay the postage on a letter addressed to him or sent by him.

NOTE.—Deferred pay may be utilized by the Superintendent to pay the whole or any portion of any fine which may be inflicted by a Magistrate on a convict officer for an offence committed in prison.

571. If a convict officer is transferred to another prison, his account of deferred pay shall be sent with him to the Superintendent of the prison to which the convict may be transferred.

572. In the case of the death in prison of a convict officer, any deferred pay due to him may, if he has expressed a wish regarding its disposal, be disposed of as desired by him, otherwise it shall lapse to Government.

NOTE.—Such "wish" must be duly recorded before the death of the convict officer, and attested by the Superintendent. All such cases if the amount exceeds Rupees five shall be reported to the Inspector-General of Prisons before the money is disposed of.

573. When any deferred pay once earned by a convict officer is taken away from him in any sum exceeding the equivalent of three months' pay, such should be reported to the Inspector-General.

574. If a convict officer's name is removed from the Remission Register, either permanently or temporarily, all deferred pay which may be due to him at the time of the removal of his name may with the approval of the Inspector-General be forfeited.

575. Female convict officers shall wear the same style of clothing as female convicts. The texture of the cloth should, however, be finer and should be dyed canary yellow.

576. Female convicts shall be promoted direct to the grade of convict overseer from convict, as it is unnecessary to employ such on night watches.

577. The diet scale shall be the same as that of female convicts, except that wheat may be allowed every day.

578. As European convicts are confined in separate cells, convict night-watchmen shall not be appointed from amongst them. Promotion should be given from convict to convict overseer.

579. There shall not, without the written sanction of the Inspector-General, be more than one European convict warder in any prison.

580. The number of European convict overseers shall not in any case exceed 4 per cent. of the number of Europeans that can be accommodated in the prison.

581. European convict warders shall be allowed to smoke tobacco under the same restrictions as native convict warders.

582 European convict warders and convict overseers shall receive the scale of diet laid down in the dietary for ordinary European convicts.

583 The uniform for European convict warders shall consist of a blue coat with five plain brass buttons white trousers, and white hat with a blue turban round it. They shall wear a belt like that of native convict warders and shall carry a baton.

584 The uniform for European convict overseers shall consist of a white coat with five plain zinc buttons, white trousers, and white hat with a blue turban round it. They shall wear a belt like that of native convict overseers, and shall carry a baton.

585 The privileges in connection with remission, deferred pay and interviews to which European convict warders and overseers shall be entitled, shall respectively be the same as those laid down for native convict warders and native convict overseers.

586 Whenever a warder of the establishment is absent on leave with full pay, the duties of the absentee intramurally may be temporarily undertaken by a convict warder, the latter's duties being in the same way temporarily discharged by a convict overseer and the latter again by a convict night-watch man. (Rule 583)

CHAPTER XXIII

DIETARY

Section 60 (d), Prisons Act

587 Should any doubt arise owing to racial questions and other matters as to which diet scale is applicable to any particular prisoner, the matter with the Medical Officer's opinion thereon should be referred to the Inspector General for decision.

G. N., F. D.,
No. 5801
dated the 4th
August 1907

588 There is no scale fixed for the dieting of prisoners, according to length of sentence.

EUROPEANS, EURASIANS, &c.

589 Scales I II and III are for European prisoners, East Indian and foreign prisoners (*i.e.*, under trial and convicted) who have been accustomed to live like Europeans.

Scale No III

HOSPITAL DIET (MALES AND FEMALES)

Articles					Remarks
Sago	ozs. 4	Dy
Sugar	...	...	...	ozs. 2
Milk	...	...	...	lbs. 2
Fuel	...	...	...	lbs. 2
Rice } Salt }	conjee in the early morning			ozs. 2	

590 Scale No I or II may be issued to sick prisoners in lieu of Scale No III under the written orders of the Medical Officer

591 Wines, spirits, lime juice and eggs may be prescribed by the Medical Officer for patients in addition to any one of the Scales Nos. I, II and III. Other extras are only allowed on Scale No III

592. Convict officers shall receive the same diet as convicts of their class with the addition in the case of a convict warler of 8 ozs. of milk a day

593 Distribution of Diet Scales Nos I and II—

Meal	Day of week	Articles	Scale No. I	Scale No. II
Breakfast	Daily	Beef	8	8
		Tea	4	4
		Sugar	12	12
		Milk	4	4
		Meat	8	6
Dinner	Mondays	Potatoes	8	6
	Tuesdays	Vegetables (green)	6	6
	Thursdays	Ghee	8	8
	Saturdays	Salt	8	8
		Pepper	4	4
		Meat	4	4
		Dhall	4	8
	Sundays	Rice	6	6
	Wednesdays	Vegetables (green)	6	6
	Fridays	Ghee	8	8
Supper	Daily	Condiment	8	8
		Salt	8	8
		Pepper	4	4
		Bread	8	8
		Tea	4	4
		Sugar	1	12
		Milk	4	4

NOTE.—(a) Dinner on Sundays, Wednesdays and Fridays shall be dhall and meat stew (or curry) and rice. On other days it shall be prepared as the Medical Officer may direct.

NOTE.—(b) Beef should be issued at least three times a week if such is procurable of good quality

NOTE.—(c) Oil may be issued in lieu of ghee

NOTE.—(d) The hours at which the diet is to be issued shall be fixed by the Medical Officer

BURMESE, CHINESE AND MALAYS

594 Scale No. IV —For Burmese, Chinese and Malay convict officers, convicts, and prisoners. (This scale is only to be issued if it is found that the above classes of prisoners cannot accustom themselves to the diet scales for native convicts.)

Articles.		Sunday	Monday.	Tuesday	Wednesday	Thursday.	Friday.	Saturday.
Rice	.. ozs	20	20	20	20	20	20	20
Jowári or bájrí	.. ozs	2	2	2	2	2	2	2
Dhall	ozs.	.	5	5	.	5	.	5
Meat (without bone)	. ozs	4		...	4	.	4	.
Ngapi (if procurable)	drs	4	} Daily					
Salt	drs.	8						
Condiments	drs	4						
Vegetables (green)	ozs.	8						
Onions	drs.	4						
Fuel	lb	1						
Oil	{ drs.	6	Daily from 1st April to 30th September.					
	drs.	8	do.	1st October to 31st March.				
Tamarind (without husk	{ drs	4	do	1st April to 30th September.				
and seed).	drs.	2	do	1st October to 31st March				

NOTE —(a) In lieu of mutton 4 ozs, fresh or 3 ozs salt fish may be issued on the recommendation of the Medical Officer

NOTE —(b) When ngapi is not procurable, the Superintendent should after consultation with the Medical Officer fix a substitute and report such change to the Inspector General

NATIVES.

595 Scale No V —For native male convicts confined in Central, Special and District Prisons and employed on *boná fide* hard labour, such as oil-pressing grain and lime-grinding, digging and carrying earth, stone-breaking, cleaving firewood, water-lifting, pounding aloe fibre and scavenging while working up to a full task

Articles		Sunday	Monday.	Tuesday	Wednesday	Thursday.	Friday	Saturday.
Wheat-flour or rice	ozs.	12	.	.	12	.	.	.
Jowári, bájrí or náglí flour	ozs.	12	24	24	12	24	24	24
Dhall mung, tur, urid	{ ozs		5	5	5	5	5	5
or gram								
Mutton (without bone)	ozs.	4					..	.
Salt	... drs	8	} Daily.					
Onions	... drs	4						
Condiments	drs	4						
Vegetables	. ozs	8						
Fuel	. lb	1						
Oil	{ drs	6	Daily from 1st April to 30th September					
	drs	10	do	1st October to 31st March				
Tamarind (without husk	{ drs.	4	do	1st April to 30th September				
and seed)	drs	2	do	1st October to 31st March				

(a) Ghee of the same quantity may be issued in Sind in lieu of oil with the sanction of the Inspector-General

(b) No combination of flours in one cake shall be issued

596. The scale for male convicts (including juveniles) confined in Central Special and District Prisons, and employed on medium and light labour shall be the same as Scale No V, with the exception that the flour ration shall only be 1 lb 0 ozs and the dhall ration 4 ozs.

597. The scale for female convicts, simple imprisonment convicts, under-trial prisoners and convalescents confined in Central, Special and District Prisons shall be the same as Scale No V with the exception that the flour ration shall be 1 lb. 4 ozs. and the dhall ration 4 ozs.

598. Simple imprisonment convicts who elect to labour—the labour on which they shall be employed shall be fixed by the Superintendent after consulting the Medical Officer—*throughout* their term of imprisonment shall be allowed the scale according to the labour on which they may be employed.

599. Convict officers shall receive the highest scale of diet allowed by these rules to convicts of their race and sex in the prison in which they are confined and convict warders and convict overseers shall also be allowed (except at the early morning meal which shall be the same as for ordinary convicts) wheat daily.

600. Convict warders (male) shall, in addition to the meat allowed in the preceding rules be given 4 ozs mutton without bone on Wednesdays in lieu of dhall. They shall receive an allowance of tobacco which will be fixed on reference being made to the Inspector General.

601. In the Sind prisons convicts employed on extra mural work and doing the full task shall receive, in addition to the diet provided in Scale No V an allowance of 2 ozs jowari or bajri and 1 oz. molasses daily. Those convicts employed on grinding grain and doing a task of forty pounds may also be given an allowance of 2 ozs jowari or bajri daily.

602. In the Hyderabad, Karachi Sukkur and Shikarpur prisons, 4 ozs. curds may be issued once or twice a week in lieu of dhall during the period 1st May and 31st August, under the orders of the Medical Officer.

603. Rice may be issued in lieu of the flour ration—except at the early morning meal—to any prisoner on the recommendation of the Medical Officer. The allowance of rice in such cases shall be 1 lb.

604. State (i.e., Political) prisoners shall if not fed from outside, be allowed the same diet as convict warders. This rule however shall not be deemed to affect the powers of Government, or of the Inspector General subject to the control of Government, of ordering any particular diet in special cases.

605. Children in prison with their mothers are to be allowed such diet as the Medical Officer may order for them. Such articles shall be shown under 2B (Miscellaneous Dietary Charges).

606. Nursing mothers may be allowed, in excess of the ordinary labour rations, such articles of diet as the Medical Officer may direct, the cost of the same being debited to extra provisioning.

607 The diet scale for prisoners under sentence of death shall be that provided in Rule 596.

608. In the Deccan Gang convicts employed on *bond fide* hard labour, *i. e.*, doing a *full* task of earthwork or grinding 40 lbs. of grain, shall receive Scale No V with the following alterations—the daily ration of flour shall be 1 lb. 10 ozs, on Wednesdays mutton shall be issued in lieu of dhall, and on Sundays and Wednesdays half the allowance of vegetables shall consist of potatoes.

609 For convicts employed on medium and light labour and convalescents the dietary shall be that laid down in Scale No V with the following alterations—the allowance of dhall shall be 4 ozs, on Wednesdays mutton shall be issued in lieu of dhall, and on Sundays and Wednesdays half the allowance of vegetables shall consist of potatoes.

610. Rules 599 and 600 of these rules apply *mutatis mutandis* to convict officers of the Deccan Gang

611 Scale No. VI—Sind Gang—For convict officers, and convicts employed on *bonâ fide* hard labour such as grain-grinding—40 lbs task—excavation and scavenging—

Articles.			Sunday.	Monday.	Tuesday	Wednesday	Thursday	Friday	Saturday.
Wheat flour	..	ozs	..	..	..			..	12
Jowâri flour	..	ozs	32	32	32			32	4
Bâjri flour		ozs	32	32		32	32	.	
Rice		ozs	.	.	..	.	.	..	12
Mutton (without bone)		ozs.	6	6	6	..	6	6	.
Dhall		ozs		.	.	5	.	.	
Molasses	.	ozs	..	.	..				3
Onions		drs.	..	5	5	5	5	5	5
Condiments		drs	..	4	4	4	4	4	4
Vegetables	...	ozs.	8						
Salt		drs.	8						
Fuel		lb.	1						
Ghee	.	{ drs	6	Daily from 1st April to 30th September					
		{ drs	10	do	1st October to 31st March				
Tamarind (without husk	{	drs	4	do	1st April to 30th September				
and seed)	{	drs	2	do	1st October to 31st March				

NOTE.—Convict warders and convict overseers shall be allowed wheat daily

612 Scale No VII—Sind Gang—For convicts employed on medium and light labour and convalescents —

Articles.	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Wheat flour ... cwt.	1						8
Jowari flour cwt.	1	1	1	1		1	4
Rajri flour ... cwt.	1	1	1	1	1	1	10
Rice ... cwt.	1	1	1		1	1	
Mutton (without bone) ... cwt.	4	1	4		4	4	
Dhall, molasses, onions, condiments, vegetables, salt, fuel, ghee and tamarind	Same as Scale No. VI.						

613 When vegetables are not procurable, 2 lbs whey may be issued during the months from March to October and 8 ozs milk from November to February 2 ozs molasses may be issued in lieu of 2 lbs whey or 8 ozs milk when the latter articles are not procurable in sufficient quantities

614 Scale No VIII—Diet for all classes of native sick prisoners in hospital —

(a)

Articles.	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Wheat flour ... cwt.	10	1	1	10	10	10	10
Jowari flour ... cwt.	1	1	1	1	1	1	1
Rajri flour ... cwt.	1	1	1	1	1	1	1
Dhall .. cwt.	4	Dally					
Salt .. drs.	8						
Onions ... drs.	4						
Condiments .. drs.	4						
Vegetables .. cwt.	8						
Fuel .. lb.	1						
Oil ... { drs.	4	Dally from 1st March to 31st October					
Tamarind (without husk and seeds).	6	do.	1st November to 23rd February				
	4	do.	1st March to 31st October				
	3	do.	1st November to 23rd February				

(b)

Articles.	Remarks.
Wheat flour cwt.	10 } Dally
Jowari flour cwt.	
Dhall, salt, onions, condiments, vegetables, fuel, oil and tamarind	Same as Scale VIII (a)

(c)

Articles	Remarks.
Rice ozs	16 {
Jowārī flour ozs	2 { Daily
Dhall, salt, condiments, vegetables, fuel, oil, and tamarind	Same as Scale VIII (a).

(d)

Articles.	Remarks
Sago ozs.	4 {
Sugar ozs	2 {
Milk lbs	2 { Daily
Rice ozs.	2 {
Salt { conjee in the early morning { drs	2 {
Fuel { } lb.	1 {

NOTE—In Sind prisons the usual allowance of ghee may, with the sanction of the Inspector-General, be issued in lieu of oil.

615 The scale for native male and native convicts of all classes and undertrials in 3rd Class Subsidiary Jails shall be as follows.—

Scale IX

Articles.	Sunday	Monday	Tuesday.	Wednesday	Thursday.	Friday.	Saturday
Wheat flour ozs	10			10	..		
Jowārī flour ozs	10	20	2	10	20	2	20
Bājri flour ozs	..	..	18		..	18	..
Dhall ozs.	4	} Daily.					
Salt drs	8						
Condiments drs.	4						
Vegetables (mixed) ozs	6						
Fuel lbs.	2	} Daily from 1st April to 30th September.					
Oil { drs	6						
Oil { drs	8		Do.	1st October to 31st March			
Tamarind (without husk and seed). { drs	4		Do.	1st April to 30th September			
Tamarind (without husk and seed). { drs	2		Do.	1st October to 31st March			

NOTE—Avoirdupois scales and weights to be used.

2 Should any convict be employed on *bond fide* hard labour such as grain-grinding, stone-breaking, etc., up to the full prison task he will be allowed the above scale with the following alterations —

Flour	... 1 lb. 8 ozs.
Dhall	... 5 ozs
Vegetables	... 8 ozs
Oil	... 10 drs. from 1st October to 31st March.
Onions	... 4 drs.

NOTE—The staple food of a district may, on the recommendation of the District Magistrate, be substituted for jowārī and bājri

616 The penal diet for European prisoners shall consist of —

Bread 1 lb., fuel 1 lb., water *ad libitum*; or, wheat flour 1 lb., salt 6 drs., fuel 1 lb. and water *ad libitum*

617 The penal diet for native prisoners, including Burmese, Chinese and Malays, shall consist of *kajri*, *jowari*, or *nagli* flour 16 ozs (conjee or brea l) salt 6 drs., fuel 1 lb. and water *ad libitum*

618 When prisoners are travelling by rail or sea and the journey is not likely to last more than three or four days it may be necessary to issue what are termed dry rations. When such are issued, the allowance per prisoner per *diem* shall be — 12 ozs parched rice (*coormerry*) 4 ozs parched gram (*channa*), 4 ozs molasses

619 In cleaning grain the object is to separate the grain from everything, (i.e., from husk, dirt and weeviled grain) external to the inner coat. This is done by pounding and winnowing the former loosens and detaches the outer coat or husk and the mud and dirt adhering to the grain. The winnowing gets rid of the detached husk and dirt.

620 After the grain is cleaned it shall be ground with the usual country millstones which should be placed so that dust and dirt shall not become mixed with flour. After being ground the flour should be carefully sifted through a sieve made of wire netting having not less than 200 meshes to the square inch—the Yeravda Central Prison will keep a stock of wire netting of the kind above referred to—and any residue such as ‘tailings’ and ‘middlings’ should be passed the second time through the mill and again sifted so as to reject only the hard pieces of husk which, if eaten are apt to produce intestinal irritation. As an average one pound may be taken to represent the rejected matter of 20 pounds of clean grain

621 When preparing the dough the flour should be slowly mixed with the water and kneaded thoroughly at the same time on some impermeable surface, so as to obtain the maximum absorption of water

622 No dhal shall be cooked until it has been thoroughly husked and until unhusked grains have been carefully picked out. Mung dhal cannot be thoroughly husked before it passes into the cooks hands. It must be well soaked and rubbed to remove the husk. When Mung dhal is issued, an excess of 10 per cent beyond the scale allowance shall be given to compensate for subsequent loss in husking; and care must be taken when husking this dhal not to wash away or waste the grain.

623 Messing being ordered as a fixed rule without any exception in every prison, no detached chula or fire-place shall

case then be strained through a coarse cloth before it is mixed with the dhall.

633 Amchur (dried mango) requires little or no preparation, it is cut up into thin pieces and allowed to soak in water for some hours, the whole is then added to the dhall or vegetables when being cooked. To secure the solution of all the acid it would be well to have the amchur cut up the evening before it is to be used and soaked all night in a sufficient quantity of water in an earthenware vessel.

634 The allowance of tamarind may sometimes be supplied to prisoners in the hot season as a drink, or it may be issued mixed with salt and chillies as a chutney. Tamarind which has been kept a few months is to be preferred to that recently gathered.

635 In lieu of tamarind (4 drs) either of the following anti-scorbutics may be given if procurable from the prison garden —

Lime-juice	1 oz.
Mango or amchur (dried mango)	" drs.
Roselle	3 drs.
Cocum	3 drs.

subject to the proviso that roselle shall not be given oftener than twice a week.

636 Care should be taken that a supply of vegetables be available from the prison garden throughout the year as the best or only preventive against the ravages of scurvy. Onions, carrots, turnips, cabbages, beetroot, mustard, radish and potatoes should be the class most largely grown. Where a surplus quantity exists and it cannot be stored it should be sold and the proceeds carried to account.

637 The issue of potatoes cannot be laid down as a hard-and-fast rule as in some districts at certain periods of the year they cannot be obtained except at exorbitant rates. Superintendents of prisons to which there are no gardens attached should however, watch the market and when potatoes are obtainable at or about the rates at which the contractor supplies vegetables they should order the contractor to supply potatoes once or twice a week.

638 Lime orchards containing, say, one tree for every prisoner according to the capacity of the prison, should be cultivated in every prison garden where there is suitable land available. Vegetables can be grown in the spaces between the lime trees, which should be planted twelve feet apart. The growth of mango, tamarind, and cocum trees should be encouraged and also of roselle. Circular No 2757, dated 19th June 1891 gives instructions as to the method of preparing lime pickle.

639. Information regarding the growth of vegetables will be found in the pamphlet about gardening which has been supplied to all prisons and which is reprinted as an appendix to this Manual.

640 The meals should be distributed at the following hours :—

Early morning meal... On opening of jail.

Morning meal Between 9-30 and 10-15 A.M.

Evening meal ... Between 4-30 and 5 P.M.

641 The early morning meal should consist of congee or bread. The former is to be preferred, as it can be issued quite hot.

642 Each meal shall be issued as soon as practicable after cooking

643. About 15 minutes before the morning and evening meals are distributed, a bell should be rung. The prisoners should then cease work, be allowed to wash their face and hands, and after this be drawn up in lines for the food parade. Prisoners, other than convict officers, should not be permitted to sit in groups. After the prisoners are drawn up, the food should be distributed by the cooks in the presence of a responsible official and the prisoners should be allowed in each case a full half hour within which to eat their midday and evening meals.

644. No food, save with the permission of the Superintendent or Jailor, is to be taken away from the spot where the food parade is held by any of the prisoners to eat elsewhere. Any food and scraps which may not be consumed should be collected and divided amongst prisoners who will eat it. If not eaten it may be given to the prison cattle or thrown away.

645 Convict officers shall eat apart from ordinary prisoners, and convict warders shall receive their meals after the general body of prisoners has been fed.

646 If any prisoner complain of the apparent smallness or lightness of the rations served out to him, the Jailor should at once ascertain by weighing the same in the presence of the prisoner if the complaint be correct or not, and every precaution should be taken to prevent fraud on the part of the cooks, or parties employed in the provision godown. Scales should be at hand for weighing the rations complained of.

647. The diet of a prisoner in hospital is entirely under the Medical Officer's control, and he may order for each individual case such extras as he may consider necessary in addition to the ordinary hospital diet, these being accounted for under the head of medical comforts. (Rule 674)

648 The Medical Officer may at his discretion order extra provisioning for any native prisoner out of hospital. Such order

shall be duly entered in Register No 38 and if such extra provisioning is issued beyond a period of thirty one days an order shall be entered in Register No 31 (Medical Officer's Journal) regarding the same, such order being repeated at intervals of thirty-one days if the extra diet is continued. For the purposes of this section the Medical Officer shall after each periodical weighing of the prisoners carefully examine the results as given in the history tickets so as to ascertain what prisoners require extra diet or a change of labour.

649 Much speculation or waste will be avoided if full rations are not drawn for all the sick in hospital and convalescents or weakly prisoners unable to labour or performing only the lightest tasks, as many of them are physically unable to consume the quantity of food nominally cooked for them. In these cases as well as in those in which extra diet is prescribed on medical grounds, reduction in the full allowance should be left to the discretion of the Medical Officer and he should exercise such economy as is not inconsistent with the well being of the sick and convalescent.

650 The daily allowance of salt and green vegetables may be increased during unhealthy seasons on the recommendation of the Medical Officer and under the written sanction of the Inspector General.

651 The staple food of prisoners shall consist of such cereals as are ordinarily consumed by the poorer classes of the free population.

652. The cereals and pulses of second quality are to be purchased for prison use. They cannot however be permitted to be injuriously adulterated with impurities, or rendered unwholesome from damp or insects.

653 The foregoing description of grain though cheaper than the first quality, should be sound, good and thoroughly wholesome. All inferior and damaged grain should be rejected as the health of the convicts mainly depends on the wholesomeness of food supplied to them. Special attention is called to the necessity of preventing unsound grain being used.

654 In those districts where rice is largely consumed, it may be issued in lieu of wheat.

655 Wheat may be issued in lieu of the other cereals when it is equally cheap.

656 The issue of meat has been estimated without bone and when bone is issued with the meat an addition of 25 per cent. should be made to the allowance. Prisoners whose caste usages prevent their eating meat may be allowed milk, dhal, ghee or curds of the same value.

657 Fresh fish may be issued under the orders of the Medical Officer in lieu of mutton, if the price of the former is not higher than that of the latter. Fish should be weighed without their

heads, fins and tails, care being taken at the same time that the weight of the fish has not been unduly added to, by their having just been soaked in water

658 Good ordinary grass-fed mutton or goat's flesh shall be supplied. The issue of lungs or entrails is prohibited.

659. When meat is ordered as a medical comfort the allowance ordered will be taken to *include* bone.

660. The standard condiments allowed to each prisoner shall as a rule, consist of—

Turmeric	..	$\frac{1}{2}$ diam.
Coriander seed (dhunya)		$\frac{1}{2}$ diam.
Garlic	..	$\frac{1}{2}$ dram
Chillies (green or dry)	...	$2\frac{1}{2}$ diams

These ingredients may be changed when any special mess is being prepared on condition that no extra expense is incurred by the change

661. "Besan"—the ingredients for preparing which should be taken from the sanctioned dietary—may be issued once a week, under the instructions of the Medical Officer. It is prepared as follows.

Powder of dry chillies		6 drams or less.
Salt	...	1 ounce.
Turmeric	...	$1\frac{1}{2}$ diams.
Dhall flour	...	1 pound

Mix the above with 3 lbs. of boiling water and 4 dis. of oil, and keep constantly stirring the whole mess till it is thoroughly boiled.

662. The allowance of fuel laid down in the diet scales is the maximum. Endeavours should be made to reduce the quantity by the use of ovens with converging flues and a damper in the main chimney.

663 The selection of the prisoner cooks shall be made by the Superintendent, due regard being had to the caste of men so employed. The cooks, if males, should occasionally be changed. If practicable, the cooks should not all be of one caste.

664 Any tampering with the food or scales by the cooks should be severely punished.

665 The allowance of oil or ghee shall always be placed in the food in the presence of a responsible official.

666 It is of the utmost importance that the food supplied to the prisoners shall be completely and properly cooked and that the full quantity issued shall reach them, and the Jailor shall be responsible that this is done. Occasional inspections of the food when dressed for use should be made by both the Superintendent and the Medical Officer.

667 It is also of the highest importance that there should be no tampering with the quantity of food, either by means of false scales or through the deduction of portions as perquisites for the distributing subordinates. As this matter must rest with the Superintending Officers, the urgency of examining the scales and testing the distributed portions, after short intervals, cannot be too strongly insisted upon.

668 Tables of the weight of the rations both cooked and uncooked shall be posted up in the prison office and in the neighbourhood of the kitchen. These should also be at hand during the distribution of meals.

669 The scales used in the godown and cook houses should be of iron, properly stamped, and should be frequently tested to ascertain their correctness.

670 The prison subordinates shall not be allowed either to cook their food inside the prison walls or to have it cooked for them by the prisoner cooks.

671 Care shall be taken that the kitchen and cooking pots and appliances are scrupulously clean and well kept.

672 The Superintendent when not the Medical Officer, has no power save in special cases when the Medical Officer's opinion is not immediately available, to alter the rations of any prisoner without consulting the Medical Officer. In such special cases the Medical Officer shall be informed as soon as possible of the Superintendent's action in the matter.

673 On the basis of the above scales and rules, dietaries adapted to local requirements are to be framed in each prison, and these when sanctioned by the Inspector-General shall be strictly adhered to.

674 The diet of individual prisoners may be modified on the recommendation of the Medical Officer, but the diet of any body of prisoners shall not be changed without the *previous* sanction of the Inspector General except in case of emergency when the Medical Officer may change the same. Any such action shall at once be reported to the Inspector General by letter, the circumstances leading to the change being fully stated therein (Rule 647).

675 Any sanction which may be accorded to a change in the above diet scales by the Inspector General shall only hold good (if a period has not been specified) till the end of the calendar year in which it has been sanctioned. If it is desired that the revised scale should be continued, fresh sanction shall be applied for.

676 The Superintendent and Medical Officer shall exercise the utmost vigilance in the supervision of the food supplies and all articles of food issued for consumption shall be inspected both in a raw and in a cooked state—daily, unless unforeseen

circumstances arise which render such a proceeding impossible—by the Medical Officer, who shall specially see that an adequate supply of vegetables of good quality is made. This duty shall not be delegated to the Medical Subordinate, who should, however, examine the rations of the prison and report the result to the Medical Officer, but he shall have no authority to condemn food.

677 The evening as well as the morning rations should be inspected. The inspection of samples of the food supplies is strictly forbidden, they should be seen in bulk. (Rule 123.)

678 Any defect in quality noticed by the Medical Officer or Medical Subordinate shall at once be brought to the notice of the Superintendent.

679 All articles of food issued for consumption as well as the fuel shall be weighed daily at the time of issue to the cooks, by the Jailor, or Steward (if there is such an official on the establishment) who shall be responsible that the proper quantity is issued for every prisoner. From time to time the Superintendent shall check the issue of rations thus made.

680 In weighing or measuring rations and food, avoirdupois weights and imperial measures shall always be used.

681. Stones, or pieces of brick, or wood, or fragments of metal are not on any account to be used as weights.

682. The lactometers manufactured in England do not, as a rule, correctly gauge milk in a tropical climate. If practicable the milk supply shall be drawn from cows or buffaloes brought to the main gate of the prison for milking.

CHAPTER XXIV.

CLOTHING AND EQUIPMENT

Sections 3 (6); 60 (d) (i), Prisons Act.

683 Every prisoner under sentence of rigorous imprisonment or transportation or death shall wear prison clothing as prescribed in the rules, shall be supplied with prison bedding, and shall not be allowed to retain any article other than those specified by rule. Any prisoner of any other class shall likewise be supplied with prison clothing and bedding, if the Superintendent considers it necessary and the prisoner desires it.

NOTE —Convicts, save those undergoing simple imprisonment, appearing before Court under the Prisoners Act shall wear prison clothing.

684 All prison clothing shall be of uniform pattern. In cotton clothing, and in the cotton-woollen clothing, the width of the warp shall, as a rule, be two feet and the longitudinal blue stripes, which shall invariably be a quarter of an inch in width, shall be twelve inches apart and five and three-quarter inches from

each side. The lateral blue strip s, which shall also be a quarter of an inch in width, shall be one foot apart. In the blanketing whenever practicable, the stripes shall be arranged in the same way, i. e., to enclose squares of one foot, but the colour of the stripes need not necessarily be blue. In white blanketing the stripes may be black, and in dark colored blanketing, white.

685 All prison clothing shall ordinarily be made by prison labour and only the raw material charged to Government. No clothing or bedding shall be issued from the manufacturing department of any prison except on an estimate duly sanctioned by the Inspector-General. In cases of grave emergency the Superintendent may make such issue in anticipation of the sanction of the Inspector-General being accorded.

686 A clothing estimate (Form No. 78) of the requirements of twelve months shall be prepared and forwarded in duplicate to the Inspector General as soon after the 1st April in each year as possible.

687 No clothing or bedding shall be purchased in the local market without the sanction of the Inspector General, and this sanction shall not be accorded except under very special circumstances. In prisons where all, or any of the articles of clothing and bedding required by prisoners cannot be manufactured, the matter shall be reported to the Inspector General with a view to the required supply being furnished by other prisons.

688. The clothing, bedding and equipment of a native (Chinese, Burmese, and Malay) prisoner shall consist of—

Articles.				Males.	Females.
Blanket (7 x 4)	..	...	..	1	1
Bedding (6½ x 2½)	...	...	...	1	1
Cotton jacket	..	...	...	1	..
Woollen or cotton-woollen jacket	..	...	...	1	..
Cotton trousers	..	...	...	1	..
Woollen or cotton-woollen trousers	..	...	..	1	..
Lungotee (cotton strip)	..	...	..	1	2
Cotton or woollen cap	..	..	..	1	..
Saree (18 x 3)	..	...	...	..	1
Cotton bodice	..	...	...	..	1
Flare pot	..	..	...	1	1
Flare bowl	..	..	..	1	1
Body ticket	..	..	...	1	1
History ticket	...	...	..	1	1

NOTE.—(a) The above list may be altered or added to, under the sanction of the Inspector-General, to suit the requirements of the climate in which any prison is situate, the authorised allowance for each prisoner being shown in the column provided in Form No. 78.

(b) Female prisoners in Hind Prisons may be allowed trousers and jackets in place of sarees and bodices.

(c) Convict warders may be allowed sandals.—Rules 553 and 557

689 The zinc pot shall be of the following dimensions:—
Height 6 inches, diameter 4 inches

690 The zinc bowl shall be of the following dimensions.—
Diameter at top 8 inches, diameter at base $4\frac{1}{2}$ inches, and depth 2 inches.

691. The zinc pots and bowls shall be separately numbered, by being stamped with a still die, from 1 upwards. The number of the pot and bowl (both should bear the same number) issued to each convict shall be entered in his history ticket. When any pot or bowl is condemned, the article that replaces it should bear the same number as that which has been condemned. The number on the pot should be stamped on the outside, half an inch below the rim, and that on the bowl should be impressed on the inside, half an inch below the rim. These vessels, when in use, should be kept clean and bright

692 The clothing, bedding and equipment of European and Eurasian prisoners shall consist of—

Articles				Males.	Fe males.
Cotton coat	...	..		2	..
Cotton trousers or drawers	...	...	..	2	2
Night dresses	.	...	..	..	2
Flannel Shirt	...			2	1
Do. do	..	.	...	..	1
Flannel petticoat	..	..	..	...	1
Cotton do	...	..	..	..	1
Do. jacket	...	..	..	...	2
Do. bodice	...	..	...	...	2
Do. skirt	.	..	..	...	2
Socks		.	.	2	...
Stockings	..	.	.	.	2
Towel	...	...	..	1	2
Blanket	..	..	...	1	1
Bedding	..	..	..	1	1
Pillow	..	...	..	..	1
Boots or shoes	..	...	.	1	...
Slippers	...	...	..	...	1
Hat (pith, straw or cane)	..	..	.	1	1
Zinc pot	...	..	...	1	1
Zinc bowl	.	..	...	1	1
Spoon	.		...	1	1
Comb	..	.	...	1	1
Brush	..	..	..	1	1
Body ticket	..	...	..	1	1
History-ticket	...	...	...	1	1

NOTE.—(a) The above list may be altered, or added to, under the sanction of the Inspector General

693. Extra clothing and bedding shall be issued to any sick, weakly, or infirm prisoner, on the written recommendation of the Medical Officer.

694 Every convict sentenced to rigorous imprisonment shall wear a zinc ticket 3" + 2 attached by a leather tab to a button.

in the case of male prisoners to the left breast, and in the case of females on the left sleeve. The following particulars should appear on the ticket —

Name and father's name

Section under which convicted

Date of sentence

Date of release

In the right hand top corner H M or L according to class of labour given to prisoner

(See Inspector-General of Prisons Circular No. 2 of 1907)

695 Every convicted prisoner sentenced to imprisonment for upwards of 14 days shall, on admission, receive a history ticket with the particulars on the opening page duly filled in, and in this ticket shall be recorded all the results of the fortnightly weighments, all admissions into and discharges from hospital, all changes of labour, all issues of clothing and equipment, particulars regarding appeals, all remission for special service, all punishments and all indulgences granted under prison rules, such as interviews allowed, and receipt and despatch of letters permitted.

696 The history ticket shall either be kept in charge of the convict officer of the prisoner's gang or in the office. The convict officer shall be supplied with a satchel in which to place the tickets of the gang. If the history tickets are kept in the office, they should be placed in satchels or boxes and should be so arranged that they may be easily accessible for reference.

697 The body tickets of prisoners sentenced to imprisonment for periods not exceeding 14 days shall be held to be their history tickets also.

698. History tickets shall be prepared in the form prescribed below:—

G. P. No.
4535, dated
the 11th July
1904.

*Opening page.***Convict's History-Ticket**

Register No.	Name and father's or husband's name.	
Caste	Age.	
Health on admission into the	Prison	Weight in lbs.

Number of previous convictions.
(mark II if classed as an habitual)

Crime

Sentence.

Sentencing Court

Date of Sentence.

Date of admission into the Prison.

* Date of expiry of sentence.

† Date of release if the convict earns full remission.

* To be altered if fine be paid or sentence be reduced on appeal or otherwise changed.

† On promotion this date shall be changed.

N.P.—All alterations to be made in red ink

Inner sheet.

Date.	Entries.	Entering Officer.
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699 The history tickets of prisoners who die in prison shall be kept for one year after death, those of prisoners released, for one year after release, and those of prisoners who escape, for one year after the date of escape. When a prisoner is transferred to another prison, his history ticket shall be sent with him.

700 Convicts employed on garden work and other active occupations do not require, during the greater part of the year, to wear all their clothing while at labour, neither do convicts employed in closed workshops, kitchens, etc. On the other hand, care should be taken, especially during the cold weather at inspections and at meal times when prisoners are not moving about that they are properly clad. Prisoners should not be allowed to wear wet clothes, and if kept seated or standing about on cold mornings the blanket may be worn crossed over the body like a plaid. When working in the rain, prisoners may be allowed extra old blanket clothing so that the ordinary allowance may be kept dry to put on when they cease work.

701 Convicts who keep their clothing in good order, beyond the ordinary length of time may be rewarded by the Superintendent by grant of special remission. As a guide in such cases a cotton cap, coat, and trousers shall each ordinarily last six months; similar articles of wool twelve months; a blanket two years and mat two to three years.

702 All articles of prison clothing of every convict sentenced to a period of imprisonment exceeding three months shall, as far as practicable be marked with his or her register number. For marking clothing the diobies' nut (*semecarpus anacardium*) should be used.

703 All prison clothing should be of thoroughly good materials and Superintendents of prisons in which clothing is manufactured shall see that the cloth is of the best which can be made and that the sewing is as good as the cloth.

704 All details regarding the supply of prison clothing shall be entered in Register No. 23 and no clothing shall be struck off this register as unserviceable until it has been condemned under the initials of the Superintendent in such register.

705 A prison official shall be placed in charge of the clothing store and shall be held responsible for loss. He should be allowed a sufficient number of convicts to enable him to have the clothing frequently moved and exposed to the sun and air. The strictest attention shall be paid to having all clothing and bedding returned into store thoroughly washed and repaired before being placed in stock. The old worn-out blankets and clothing should not be kept in the godowns, but be periodically examined and destroyed or ordered to be cleaned and made into pads, to be used by the prisoners who are employed in carrying baskets of earth, grain, etc.

706 To destroy vermin in the blankets, bedding or clothing the articles should be steeped in boiling water, with alum.

707 No pocket or opening in the clothing, other than those authorized, shall be allowed, and the pattern should in no way be departed from. Articles of clothing and bedding are not to be used for carrying grain or other articles.

CHAPTER XXV.

LABOUR AND INDUSTRIES.

Sections 35 (1), 36, 60 (e) (g).

708. No convict sentenced to rigorous imprisonment, or convict sentenced to simple imprisonment who elects to work, shall, except on an emergency, and by the written order of the Superintendent entered in Register No 12, be kept to labour for more than nine hours in any one day. No work, except menial and necessary work, as provided for in Rule 461, shall be done on Sunday, Christmas day, Good Friday and the Birthday of the Sovereign, which shall be regarded as holidays.

709 During the hot season, in districts where the heat is very great, a mid-day rest of two hours may be allowed to all prisoners. A mid-day rest of two hours should also be allowed, at all seasons of the year, to weakly or infirm prisoners from whom labour is exacted.

710. No convicts shall be employed on public works other than construction or alteration of prison buildings or premises without the special sanction of Government.

711. The practice of employing small gangs of convicts on local works has been prohibited—Government of India, Home Department, Resolution, 7th May 1886, No. 10-605-18.

712 The employment of gangs of convicts, lodged in portable prisons, on railway or canal works, if sanctioned by Government, shall be carefully watched and specially reported on. The special report herein referred to should, in the case of existing extra-mural prisons, be embodied in the Annual Report of the Department.

713 The following classification of labour is laid down for guidance. It should not be forgotten, in connection with the subjoined list, that labour, however light, may be penal and deterrent if the task is properly apportioned to the physical capacity of the prisoner of whom it may be required.—

Classification of Prison labour.

Hard.	Medium	Light
1. Shot-drill.	1 Carpet and durrie weaving	1. Twisting thread or fibre
2 Pump, crank, capstan or pugmill	2 Tape and money-bag weaving	2 Teasing coir, wool or thread
3 Public works labour	3 Cloth printing	3 Making bobbins
4 Road making	4 Basket, bamboo, and ratan work	4 Splitting and dressing cane

Hard.	Medium	Light.
5 Earth-digging	5 Carpentry (general)	8 Inspecting
6 Masonry work.	6 Leather working	9 Folding papers.
7 Stone-quarrying breaking or cutting	7 Tin work.	7 Making envelope
8 Carrying or hauling loads (earth water, stones, stores etc.)	8 Book-binding.	8 Staking and drying
9 Raising water	9 Dyeing	9 Dressing vegetables
10 Hewing and carving firewood.	10 Tent-making	10 Grain or seed sifting
11 Lime-crushing.	11 Tallowing	11 Sweeping
12 Pounding bricks.	12 Sewing gunny bags.	12 Weeding and light gardening
13 Extracting oil, alkali or other fibre by pound- ing or beating	13 Pulp-making	13 Clerical work
14 Oil pressing	14 Winnowing grain.	14 Copy holders
15 Grinding grain.	15 Hoisting and clearing grain.	15 Flymen.
16 Brick and tile making	16 Flour sifting	16 Carters.
17 Hauling wood and rough carpentry	17 Storing and weighing grain.	17 Raffle feeders.
18 Blacksmith's work.	18 Cleaning lime and materials.	18 Collating
19 Hand Press work.	19 Cleaning and colour- washing barracks.	19 Counting and examin- ing
20 Treadle machine men.	20 Upholstering furniture	20 Checkers
21 Carters	21 Gardening	
22 Wheel turners.	22 Laundry-work.	
23 Printing	23 Hair-cutting	
24 Weaving of all kinds not included under medium.	24 Compositors.	
25 Warping by manual labour	25 Distributors	
26 Mule spinning	26 Impositors	
27 Blanket manufacture	27 Other (power) machine men.	
28 Bowing wool or cotton.	28 Inkmen (on Press).	
29 Felting or shrinking blankets.	29 Roller makers.	
30 Rope making	30 Rolling machine-man.	
31 Pottery	31 Performing machine- man.	
32 Paper and paste-board making	32 Pacing machine-man.	
33 Scavenging	33 Eyeletting machine- man.	
34 Cooking	34 Wire-stitching machine- man	
	35 Cutting machine-man	
	36 Leather and cloth cutting.	
	37 Bundling.	
	38 Pasting	
	39 Gunning	
	40 Drawers.	
	41 Routers.	
	42 Matrice makers.	
	43 Turners.	
	44 Fillets.	
	45 Envelope punching	

Note.—It is obvious that with a proper reduction of task and in consultation with the Medical Officer a labour classed as hard or medium may in certain cases be safely given to prisoners classed as fit for light labour.

714. When the Medical Officer has certified, as required by Rule 252, the class of labour for which a convict is fit, it will rest with the Superintendent to determine the particular employment to which the convict shall be drafted. In thus apportioning employment, care shall be taken not to assign to any convict labour which is beyond his physical strength.

715. The following scale of tasks is prescribed for adoption in prisons. It represents the full task to be exacted from every fully trained convict. In cases where work cannot be measured, the warden in charge of the gangs should see that the prisoners are fully employed during work hours.

SCALE OF TASKS PER PRISONER PER DIEM.

Cow work.

Plaiting sinnet (5 strands)	...	...	175 feet.
Do. (7 strands)	...	..	150 feet.
Sinnet mats	...	...	8 square feet.
Brush mats	...	...	2 square feet.
Sword matting (36" wide)	...	..	15 square feet per prisoner.
Fernery matting (36" wide), double weft	...	..	30 square feet per prisoner.

Shoe-making.

Sandals	..	...	2 pairs cut leather
Do	...	..	1 pair uncut leather.
Boots	..	..	1 pair in 3 days

Starching.

Drill cloth	...	..	1 warp.
Convict cloth	..	...	1½ warp

Tailoring.

Convict suits	..	...	2 suits.
Do.	..	...	10 suits (by machine)

Shot-drill.

The distance to be traversed should be 20 feet up and down for half an hour, both morning and evening. The lifting and the placing of the shot should be done by word of command. In addition to this, medium or light labour may be given for the remaining 8 hours of work.

Weaving (hand-looms).

Blankets	...	48" wide	7 feet.
Convict cloth	...	30" do.	.. 30 feet
Cotton carpet (stripes) punja	...	30" do.	.. 2 feet.
Regimental or Police carpets	...	...	.. 15 square feet.
Cotton tape (for bundles)	..	1" do.	.. 80 feet.
Do	...	1½" do.	.. 60 feet.
Cotton tape (for cots)	...	2" do.	.. 60 feet.
Do (peons)	...	3" do.	.. 40 feet.
Police cloth	..	30" do.	.. 20 feet.
Cotton carpets (design)	...	3" to 15"	.. Tasks varying with intricacy and fineness of pattern.
Woollen carpets (Persian and Bijapur)	..	4" to 3"	..

Preparing warps.

Coarse cloth No. 19 (wale 40 yards)	1 warp.
Cloth No. 20 (wale 40 yards)	1 warp.

Prison services.

Cooks	..	1 to 60 prisoners.
Sweepers (conventancy)	..	1 to 50 prisoners.
Hospital attendant	..	1 to 10 prisoners.

Note.—Number of prison services to be provided = 112 per cent. of the prison population.

Material allowances.

Grain for grain	..	30 to 40 lbs.
Grain for grain	..	200 lbs.
Feeding and fire	..	1½ lbs.
Feed for grain	..	2 to 4 lbs.
Wool for wool	..	1 lb.
Wool for wool	..	10 to 15 cuts feet.
Wool for wool	..	100 cuts feet.
Wool for wool	..	15 lbs.

716 Every convict on being first put to learn any kind of work shall be allowed a reasonable time in which to learn it and if during this time he shows due diligence and makes satisfactory progress, he shall receive remission for industry. The time, which is necessary to enable a convict to learn his work and produce the full task, will differ according to the industry. Care must be taken in estimating a convict's progress that due allowance is made for difference in intelligence and physical strength.

717 Every possible advantage shall be taken of convict labour in executing repairs or new works connected with a prison, and no article for prison use which the prisoners can manufacture for themselves shall be purchased in the local market without the sanction of the Inspector General.

718 All menial and other duties of the prison, which can be properly delegated to prisoners shall be assigned at the discretion of the Superintendent to labouring convicts, care being taken that no such work shall be assigned to or exacted from a prisoner to whom it may really be objectionable on the ground of caste. Equal care must be observed that no prisoner on a false plea of caste is permitted to evade any labour which he may consider to be onerous or disagreeable and all such cases shall be reported to the Inspector General, who after making due and proper enquiry shall determine whether the plea advanced is valid or otherwise, and issue instructions accordingly.

719 The employment of prisoners as clerks in the prison office without the sanction of the Inspector-General is absolutely prohibited (Rules 235 to 237).

720 Superintendents, Jailors, warders or other officers having quarters at the prison may be allowed the services of prisoners to carry water and as sweepers; and Superintendents, Jailors and

Deputy Jailors having quarters on prison premises may be allowed a certain number of prisoners in the gardens attached to the quarters. This number shall not exceed four and it may be determined by the Inspector-General. Beyond this no officer or servant shall be allowed to make any private use whatever of any prisoner. In the case of extra-mural prisons, which are at times located in places where the difficulty in obtaining domestic servants is very pronounced, it shall be within the discretion of the Inspector-General to relax the provisions of this rule.

NOTE.—Of the paid staff the Superintendent of a first class Central Prison shall be allowed two paid warders as orderlies. In a second class Central Prison and in a District Prison one such warder shall be allowed to the Superintendent. One convict warder shall be allowed as an orderly to the Jailor of a Central Prison.

721. The object to which prison industries shall be devoted is firstly, prison requirements, secondly, the wants of other consuming departments of Government. These departments are looked to to obtain articles which they require from prisons, provided that the articles can be supplied by the prison of the same quality and at the same price as they can be obtained in the open market. It is only when these sources of employment are exhausted, that prison industries should be devoted to producing articles for general sale, and if any prison industry is proved seriously to injure any local trade, it should be discontinued in favour of some other kind of employment. The prices of prison made articles sold to the public shall not be below the local market rate.

722. Convicts shall not be employed in association with free labourers provided that this rule shall not be held to prohibit the employment of skilled workmen as foremen or instructors on public works or in other industries. No charge shall be made to the Public Works Department for labour supplied to it for repairs or alterations to a prison. No prisoner shall at any time, upon any pretext or for any purpose whatever whether accompanied by warders or not, be permitted to proceed to or visit any bazaar or mart.

723. When convicts are employed in blasting, well-sinking, excavations, or other works of a dangerous character, every reasonable precaution shall be taken to guard against accidents. In blasting operations the firing of the charge should be carried out by some responsible person, in excavation the sides should be sloped or cut in steps, and in well-sinking the sides, if not sloped, should be boarded to prevent them falling in.

724. Every prisoner, who has not more than six months of sentence remaining, may be employed on extra-mural labour irrespective of the portion of sentence already passed in prison. No prisoner who has more than two years of sentence to run shall be so employed without the sanction of the Inspector-General. No prisoner sentenced to more than nine months' imprisonment shall be selected for extra-mural work until he has served at least one-third of his sentence. No prisoner shall be passed out of the prison for extra-mural work without his register

number or name and the name of the person responsible for his safe custody being recorded by the gate-keeper.

NOTE.—This rule does not apply to prisoners employed in extra-mural prisons, regarding the selection of which rules shall from time to time be issued by the Inspector-General of Prisons. But it should be exercised as to select prisoners for extra-mural labour who have shown or are likely to have a strong inclination to escape.

725 Prisoners working on extra-mural work are to work together in gangs, and not be allowed to straggle. The official in charge shall be responsible that they are subjected to the same discipline as when employed inside the prison. (Rule 801.)

726 In every prison there shall be formed a convalescent gang, of whom a separate muster shall be kept. The gang is to consist of old and infirm men physically unfit for hard labour, and prisoners discharged convalescent from hospital who are to be employed on light labour.

727 The Superintendent of a prison with the advice of the Medical Officer, may use his discretion in the employment of prisoners out of doors in wet weather and in altering the rest in the middle of the day according to the climate and season of the year, reporting the latter circumstances to the Inspector-General for orders.

CHAPTER XXVI

PRISONERS' PROPERTY

Sections 12 (7), 18 and 21, Prisons Act

728 Property delivered with, or found on a prisoner on admission, or afterwards sent to him openly and through the Superintendent or Jailor shall be dealt with under the following rules.

729 If it consists of prohibited articles such as obscene pictures or literature tobacco snuff, opium or any other drug or liquor it shall be destroyed.

730 If it consists of perishable articles of any value, it may be sold, and the proceeds dealt with under Rule 737.

731 If the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner or if any prisoner on admission into prison is suffering from any infectious or contagious disease, the clothing shall, under the written order in Register No. 34 of the Medical Officer, be burnt.

732 The Jailor is responsible for the safe custody and due delivery on release, of all property not dealt with under Rules 729 and 744 brought by a prisoner into prison or received there on his account.

733 All clothing, cash, jewellery, and other property received with or found on the person of a convicted prisoner on admission, shall be entered in the Prisoners' Property Register No. 2, and the entry—which shall specify the nature of the property, the number or quantity and the estimated value of each item—shall be read over to the prisoner, and his signature or mark, together with the signature of the Jailor, shall be taken in the column for that purpose. The clothing of a prisoner, if ragged or worthless, may be destroyed under the orders of the Superintendent, which shall be recorded in Register No 2

734. Clothing, after washing or fumigation, shall be made up into a bundle and endoised, in both English and the Vernacular, with the prisoner's name, register number, and ordinary date of release. Lotahs, cooking pots, and other non-perishable articles shall be included in the clothing bundle, which shall be stored in a place set apart for the purpose. These bundles shall, as far as possible, be arranged in open work partitions, baskets, or nets, each containing the bundles of prisoners to be released in a particular month.

735 A Jailor is only bound to receive charge of such property brought with a prisoner as can be stored in the prison store-rooms. If, as is sometimes the case, cattle or unwieldy articles such as charpoys, etc., are brought to prison with a prisoner, they should not be taken charge of by the Jailor, but handed over to the prisoner's friends, if he so desire, or otherwise at once sold by public auction and the proceeds, when realised, should be carried to the credit of the prisoner as directed in Rule 737.

736. Jewellery or other valuables are to be made up into a parcel, which shall be sealed by the Jailor and endoised in his handwriting, with the name of the prisoner, his register number, and the date of his admission and release, and shall be kept in some safe receptacle provided for that purpose in each prison. The cash belonging to a prisoner shall be brought to account in Registers Nos. 2 and 16 and shall be kept either in the treasury—on a Pass Book—or in the prison safe. Cash required for the month's disbursements should only be kept in the latter.

NOTE—Com of foreign countries shall be classed as jewellery

737. Where the term of imprisonment is for two years and upwards, the clothing and other perishable articles received with a prisoner may at the discretion of the Superintendent be sold by auction at the Mámlatdái's Court, and money received carried to the prisoner's credit by a red ink entry initialled by the Superintendent in the cash column of the Prisoner's Property Register No 2, provided that, if an appeal is made, the property should not be disposed of until the appeal is decided

738. Whenever, under the operation of these rules, the clothing of a prisoner is summarily disposed of by the Prison authorities, the prisoner shall on release, if he have not sufficient property to

purchase other clothing be provided with suitable clothing at the expense of Government.

739 Any property or money belonging to a prisoner may, at any time during his imprisonment with the consent of the prisoner and the approval of the Superintendent be delivered to the prisoners' friends or sold, and the proceeds of the sale of such property may be disposed of in such manner as the prisoner may direct, provided that they shall not be applied to the personal uses of the prisoner during his confinement nor so disposed of with the object of escaping payment therefrom of any fine imposed on him by any Court and that care shall be taken to retain a sufficient sum to provide the prisoner with clothing, and to obviate the necessity of granting him subsistence money or travelling expenses on release. Where the prisoner's sentence is below two years, sufficient clothing must also be retained to enable him to leave the prison decently clothed.

740 When a prisoner is transferred from one prison to another, the whole of his property of every description then in the custody of the Jailor shall be sent with him, with a full correct statement of the description and estimated value of each article.

741 On the occasion of the release of a prisoner the property shall be made over to him in the presence of the Superintendent, who shall after entry of the word "received" take the prisoner's signature in the column provided for that purpose in Register No. 2, and shall attest the entry by a signature. The same procedure shall also be adopted whenever the property of a prisoner is disposed of under Rule 739.

742 In the event of a prisoner dying in prison, his property, if he has not willed it to any person shall be made over to the officer in charge of the nearest police station, to be dealt with under sections 67 and 69 of Bombay Act IV of 1870, and the Superintendent shall forward with the property the prisoner's descriptive roll, to enable the police to trace the relations. This rule does not apply to the Presidency Prisons where the property of a deceased prisoner—if there are no claimants and the prisoner dies intestate—shall be kept for twelve months and then sold by the Superintendent and the proceeds credited to Government.

743 The property of an escaped prisoner shall be retained for one year from the date of his escape. If he is not re-captured within that period, his property shall be sold and the proceeds with any cash belonging to the prisoner shall be paid into the Treasury as unclaimed property.

744 Property of any kind found on a prisoner, after his being searched on admission, shall be forfeited and the value carried to the credit of Government, a certain proportion not exceeding one third, being awarded to the finder by the Superintendent.

CHAPTER XXVII

GUARDING.

Sections 3 (1), 55 and 59 (6), Prisons Act.

745 Guards which are attached to prisons shall consist of either military or police or reserve warders.

746 The Superintendent of each Prison or Jail shall, if the Guard is supplied by the police in consultation with the District Superintendent of Police, draw up subsidiary rules for the guidance of the guard to meet local requirements,

indicating—

(a) the sanctioned strength of the Jail or Prison guard, regulating—

(b) its distribution (detachments, if any),

(c) the number and position of the sentries, defining their beats,

(d) the position to be taken up by the guard and its distribution and duties on the “alarm” sounding by day,

(e) the position to be taken up by the guard and its distribution and duties on the “alarm” sounding by night,

and determining—

(f) some “alarm” signal

The rules so drawn up will be subject to the approval of the Inspector-General of Prisons and the Inspector-General of Police. They shall, when so approved, be translated into the vernacular, signed by the Superintendent of the Prison or Jail and District Superintendent of Police, and be hung up alongside the general rules for Prison or Jail guards in the guard-room of the particular Prison or Jail to which they apply.

747. The officer in charge of the guard shall see that all standing orders regarding the duties of the guard are duly observed, and shall satisfy himself, as soon as the guard is mustered, that all such orders are known to the men and understood by them

748. In the event of the officer in charge of the guard or any Constable on guard duty becoming incapacitated by sickness from remaining at his post, the fact shall be immediately reported to the Chief Constable, or such Senior Officer as may be near at hand who shall forthwith take measures to relieve the incapacitated officer or Constable

749 The fire-arms of the guard shall always have the bayonet fixed, and shall remain in the guard-room when not in use.

750 No officer or Constable on guard duty shall on any account take off his clothing or accoutrements. This rule does not apply to occasions when an officer or Constable is taking his

meal, nor does it prohibit him from taking off his pugree or belt when lying down to rest during the day and night

751 The officer in charge of the guard shall on no account quit his guard except to obey a call of nature, and before quitting the guard he shall place the next senior officer in charge. He shall also prevent any Constable from quitting the guard without leave which shall be sparingly granted, and only for special purposes and for the shortest possible period

752 Constables, on guard duty, who may be unable to arrange for having their food brought to them, shall be allowed 2 hours' leave for the purpose of taking their meal between the hours of 8 AM and 2 PM. This privilege shall not be granted to more than one-third of the men on guard at the same time

753 The guard shall resist by force all attempts made to break into or out of any part of the prison, and shall aid in the suppression of all violence or opposition to authority on the part of the prisoners

754 The guard shall not take any part in the daily discipline of the prison or assist in searching the prisoners or in counting them. It is to be kept as much as possible from being brought into close contact with the prisoners

755 No Native Police Officer shall be allowed to enter the prison except on duty

756 The Officer or Constables of the guard shall not hold any communication with a prisoner either by words or by signs, they are strictly prohibited from bringing anything of whatever description from the outside of the prison to any prisoner and from receiving anything from a prisoner to be conveyed outside the prison.

757 In the event of any attempt to break out of the Jail or Prison or any other disturbance occurring, the guard shall immediately fall in, load and act in accordance with the rules framed under rule 746 (a and c) and the officer of the guard shall at once do his best to communicate with the Jailor and his own superior officer. If, however, the prisoners should assault the Prison officers, or attempt to break out of any particular ward or yard and the officer of the guard should consider that it would be dangerous to delay until the arrival of the superior Prison officials, that officer shall rescue the Prison officers and prevent the prisoners from breaking out. The officer shall give notice to the prisoners in a loud tone of voice, that if they do not immediately surrender, they will be fired upon. This warning shall (if circumstances admit of delay) be repeated twice, and if there appears no other means of quelling the disturbance, the officer shall direct his men to open fire upon the refractory prisoners but he shall be careful to cease firing as soon as the prisoners fly or surrender. On the arrival of the Superintendent of the Prison, or superior officer of Police, the guard shall act under their orders

[In this connection attention is invited to the following rules regarding the use of arms against any prisoner or a body of prisoners, in the case of an outbreak or attempt to escape, which have been framed by the Governor-General in Council under clause (6) of section 59 of the Prisons Act, IX of 1894. —

1. Any officer of the Prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape : provided that resort shall not be had to the use of any such weapon, unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.

2. Any officer of the Prison may use a sword, bayonet, fire-arm or any other weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the Prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted

3. Any officer of the Prison may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the Prison or other person : provided that such officer has reasonable ground to believe that the officer of the Prison or other person is in danger to life or limb, or that other grievous hurt is likely to be caused to him.

4. Before using fire-arms against a prisoner under the authority conveyed in Rule (1) of this part, the officer of the Prison shall give a warning to the prisoner that he is about to fire on him.

5. No officer of the Prison shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.]

* *Fide* Home Department Resolution No 12-Jails—500-510, dated the 31st August 1896, Appendix 2, Part V, embodied in Government Resolution No 1841, dated the 6th March 1897.

758 The guard shall present arms to the Inspector-General of Prisons, to the Superintendent of the Prison, the Commissioner, the Inspector-General of Police, the District Magistrate, the Sessions or Additional Sessions Judge, the Assistant Sessions Judge, the Magistrate in charge of the Sub-division, the Superintendent of Police, the Medical Officer of the Prison, and such other officers as may be entitled to that compliment when visiting the prison.

759. (1) The strength of the guard to be furnished to Prisons and Subsidiary Jail shall be decided by the Superintendent of the Prison or Subsidiary Jail and the Police authorities, subject to the approval of the Inspector-General of Prisons.

(2) When there are one or more condemned prisoners in the prison, three extra Constables shall, on the demand of the Jailor, be supplied to furnish a sentry to watch the cell or cells wherein condemned prisoners are confined.

(3) When there are lock up prisoners in the prison, three additional Constables to supply an extra sentry shall be furnished. The sentry by day and night shall march up and down in front of and shall watch the cells where such prisoners are confined.

760 The points at which the sentries shall be posted shall be determined by the Superintendent of the Prison in consultation with the District Superintendent of Police, but, except when absolutely necessary for special and urgent reasons, an armed sentry shall not be cut off from the support of his guard by doors, etc.

761 The prison guard shall be changed every 24 hours when sufficient men are available. The sentries shall be relieved in the presence of the officer of the guard every 2 hours. The latter shall be most particular in observing that the sentry relieved passes the orders of his post to his relief.

762 (1) When the guard is detailed each man comprising the guard shall carry in his pouch a packet containing 10 rounds of buckshot ammunition. Ten loose buckshot cartridges shall be carried by the man who is actually on sentry duty, his pouch being kept open. These 10 loose cartridges shall be handed over to the relieving sentry who shall exchange for them his closed packet of cartridges. Thus every man on guard will have 10 rounds of ammunition, the sentry alone having loose ammunition.

(2) When the guard is relieved, all the ammunition shall be handed over to the relieving guard. The Head Constable in command shall be responsible for the correct handing over of his ammunition.

(3) The men on prison guard duty shall not carry their firearms loaded but shall carry a closed packet containing 10 rounds of buckshot in their pouches. The sentry on duty shall wear his pouch open in front for quick loading, and shall carry his 10 rounds loose.

763 (1) The sentry shall on no account quit his post without being regularly relieved; should he find himself incapacitated by illness or other cause from performing his duty, he shall call the officer of the guard, who shall, if necessary, relieve him.

(2) The sentry shall hold no communication whatever with any prisoner in the cell but shall apprise any member of the prison establishment present, in the event of any prisoner making a signal from the cell, that he requires to see a member of the establishment.

(3) Should any prisoner attempt to escape the sentry shall at once raise the alarm and acquaint the officer of the guard. He shall at the same time take all necessary steps to prevent the prisoner's escape.

764 Sentries shall enforce firmly the orders given to them without any distinction of persons. It is the duty of the sentry to protect, as far as may be in his power the stores and property

belonging to Government although not actually delivered to his charge

765. The officer in charge of the guard shall make the round of the sentries twice during the night, and send a junior officer to visit each sentry between reliefs. He shall send an officer twice also at separate intervals during the night round the posts.

766. The officer in charge of the guard shall make his reports to, and receive his instructions from, the Superintendent of the Prison.

767. The guard is under the *immediate* orders of the Superintendent in all matters which affect the specific duty for which they are detached. In all matters of *discipline* the guard is under the orders of their commandant.

768. Whenever an outbreak of any kind occurs in a Prison in the suppression of which the Police are at all concerned, a Court of Inquiry shall be immediately held, when such a measure is practicable, to report upon the circumstances of the case, and the proceedings shall be forwarded to Government through the Inspector-General of Police and the Inspector-General of Prisons.

769. A single warder should never be in sole charge of one or more prisoners working outside the prison. If the number of prisoners working outside is not more than ten, the guard should be 1 warder and 1 convict officer. If the number of prisoners is more than 10, the guard should be 1 warder for each 10 prisoners or less, and 1 convict officer for each 20 prisoners or less. The convict officer should not be below the grade of a convict overseer.

Example.—For 38 prisoners the guard would be 4 warders and 2 convict officers.

NOTE (a) —In the case of the Deccan and Sind Gangs and other large convict working gangs the Inspector General may modify the foregoing rule, if he is of opinion that he can safely do so, to the extent of allowing one warder to each 15 prisoners or less, that portion of the rule which deals with the proportion of convict officers remaining the same.

NOTE (b) —Prison is defined in Act IX of 1894 to include "all lands and buildings appurtenant to" the actual building in which the prisoners are confined, but for the purposes of this rule the expression "outside the Prison" shall be deemed also to apply to any part of such appurtenant premises which are at a distance of 200 yards or more from the main entrance gate of the prison building.

When prisoners are sent to work outside the prison with axes, pick-axes, crowbars, spades or other implements which might be used against the warders, the Superintendent shall use his discretion whether or not to arm one or more warders with rifles, bayonets and buckshot cartridges, and on the extra-mural parties being sent out in the morning there shall be recorded in a book kept for the purpose a note under the signature of the Superintendent, setting forth whether or no any warder or warders in

charge of extra mural parties for that day has or have been sent out armed as above, the name of such warder or warders being given.

770 If a prisoner falls ill while working extra murally, all the party (ten or less) to which he belongs should return to the prison so that the warder in charge may return with them.

771 In extra mural prisons, when the prisoners are guarded by warders, who are armed with breech loaders the strength of the escort will depend on the nature of the work. Superintendents of these prisons shall record in Register No. 12 the strength of the escort necessary for the guidance of the Jailor.

CHAPTER XXVIII

MECHANICAL MEANS OF RESTRAINT; TREATMENT OF PRISONERS IN CELLS

Sections 27, 28, 29, 56, 57, 58 and 60 (1), Prisons Act

772 The Superintendent is empowered to place in fetters any convict who has escaped from custody or who attempts to escape from custody, and the period for which such fetters shall be imposed is left entirely to the discretion of the Superintendent. He may also fetter any prisoners if he considers it necessary for their safe custody, having regard to the tint of the Prison or the character of the prisoners. In such cases bar fetters shall not be used without the sanction of the Inspector General. The names of all prisoners wearing fetters shall be entered in Register No. 8.

773 Prisoners sentenced to transportation for life may be confined in fetters for the first three months after admission into Prison. Should the Superintendent consider it necessary either for the safe custody of the prisoners or for any other reason to extend this period he shall apply for sanction to the Inspector General of Prisons.

774 Convicts, while in transit from one prison to another, may be confined in fetters.

775 Fetters shall not be imposed on any convict when appearing before a Court under the Prisoners Act, and they shall not be imposed on any prisoner in hospital except with the approval of the Medical Officer.

776 Fetters shall in no case be imposed upon female prisoners or juveniles.

777 Fetters shall be suspended from the waist by a strip of leather. In fastening the ankle rings great care must be taken to remove all roughness about the rivets and flattened parts of the rings. Leather gaiters should as a rule be dispensed with, except upon a march. Fetters shall at all times be kept bright.

and clean, and prisoners shall be required to keep fetters, which have been imposed on them, in the same condition

778 The Inspector-General may order fetters to be used for any extra-mural gang for which he thinks them necessary, and may direct them to be imposed, subject to such restriction as he may think proper, on any prisoners who, owing to overcrowding in prisons, may have to sleep in open sheds, and on any prisoners who are confined in prisons which are not considered thoroughly safe places of confinement. He may also order the picketing (*bel*) chain to be used in such cases as he may consider necessary.

779. Handcuffs may be imposed, either separately or in addition to fetters, upon any male prisoner who is refractory, violent, or dangerous

780. Handcuffs—except when awarded as a form of punishment—shall be imposed only in front as a means of restraint under the written orders of the Superintendent, which shall be recorded in Register No 12. In cases of urgent necessity the Jailor may on his own authority impose fetters and handcuffs on a prisoner, reporting at once the fact in Register No. 13

781. Handcuffs may be imposed upon any female who is refractory, violent, or dangerous, but in no case, except where the prisoner is likely to injure herself, should they be kept on longer than twenty-four hours at a time, and even then they should occasionally be removed to give the arms relief.

782 An ankle ring shall be worn by all prisoners who are on extra-mural work, subject to the proviso that it is discretionary with the Superintendent to remove the ring in the case of prisoners who have only a few days to serve.

783. Cells may be used—

- (1) for carrying out sentences of solitary confinement under sections 73 and 74 of the Penal Code.
- (2) for separate, cellular and solitary confinement of prisoners under section 46 (8), (10) and (11) of the Prisons Act
- (3) for the separation of troublesome convicts at night:
- (4) for the medical observation of lunatics.
- (5) for the medical observation and separation of prisoners apparently suffering from sickness, or who are suspected of malingering or who are suffering from contagious affections.
- (6) for the confinement of prisoners condemned to death:
- (7) for the confinement of prisoners who are refractory
- (8) and for the confinement of any special class of prisoners as may be ordered by Inspector-General

- (9) subject to the requirements of section 27 of the Prisons Act of 1874, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other

784 Every prisoner confined in a cell for more than 24 hours shall be visited daily by the Superintendent and the Medical Officer or Medical Subordinate, and shall have a ticket placed on his cell by the Jailor, showing the date on which the prisoner was placed in cells the date on which he is to be discharged therefrom and the nature of the confinement ordered

785 Every prisoner in a cell shall both day and night, have the means of communicating with the warder on duty. The warder shall keep the keys of the cells during the day and night.

786 Every prisoner before being placed in a cell shall be very carefully searched and all implements and appliances likely to facilitate escape or suicide shall be taken away; and every cell and every prisoner therein shall be carefully searched daily at lock-up time and oftener if necessary

787 In case of sickness in a cell immediate notice shall be given by the warder to the senior officer on duty, who will send for the Medical Subordinate to attend to the prisoner and to remove the latter to hospital, if necessary

788 Under no circumstances whatever shall only two prisoners be confined in one cell.

789 The inmate of a cell shall at all times be compelled to keep it scrupulously clean

790 The beddings of prisoners in cells except that of prisoners under observation for sickness or insanity, shall be withdrawn from the cell during the day

791 Labouring prisoners in cells shall be provided with suitable work according to their capacity

792 Any prisoner being refractory and violent, so as to require restraint, shall at once be placed in a separate cell by the Jailor in the absence of the Superintendent, to whom the circumstances shall be reported (Register No. 13) at his next visit to the prison.

CHAPTER XXIX.

ESCAPES

793 Every prisoner is under the charge of a particular prison subordinate who is responsible for his safe custody. The prison subordinates should fully understand that they are subject to imprisonment for allowing a convict to escape through their neglect. (Section 223 of Indian Penal Code)

794. Escapes through gates, or convict officers, are not as regards, prison subordinates to be treated as ordinary breaches of guards these three classes to be dealt with in accordance with the prison discipline, but are Penal Code, unless very extenuating provisions of the Indian, or unless the Superintendent considers circumstances are present to procure a conviction, when the case the evidence insufficient Inspector-General for orders shall be submitted to the

795 Whenever a prisoner escapes, immediate notice shall be given to the Superintendent of Police and Magistrate of the District, with a full description of the prisoner. If the prisoner belongs to another district, similar information shall be sent to that district.

796 In the case of a prisoner escaping, a report shall be made to the Inspector-General. A further report with the same day to the Inspector-General, as per Register No 9, shall be full details in a tabular statement, as per Register No 9, shall be subsequently submitted, containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, how they have been punished, whether the prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The runaway's record shall also be reported.

797 When an escape takes place from an extra-mural gang, the officer in charge shall collect the rest of the gang, detach one of his escort, if any is available, to follow the escaped convict, and march the gang back to the prison, where he shall report the escape to the Jailor.

798 Every prisoner who escapes, or attempts to escape, shall be prosecuted under section 224 or 225 of the Indian Penal Code, and if, in the course of the escape or attempt, he uses criminal force to any public servant in the execution of his duty (section 353), he shall be further prosecuted for that offence. Every prisoner who abets an escape or attempt to escape is liable to be prosecuted.

799 All articles which can be used by prisoners as dangerous weapons, or to aid them in escaping, shall be carefully watched while in use during the day, and counted and safely disposed of during the night.

800 All prisoners employed on duties which afford facilities for escape should have short terms of their sentences to run and be well-behaved selected prisoners.

801. Prisoners employed on extra-mural works, shall not be allowed to leave the gang on any pretext. On such works arrangements shall be made so that all their legitimate requirements shall be provided for under the eye of the warder in immediate charge. (Rule 725)

802 An escaped prisoner who is recaptured may be received back into prison on the original warrant.

803 Any officer of the prison may, in the absence of his superior officer, or under the orders of such officer use a sword, bayonet fire-arm or any other weapon against any prisoner escaping or attempting to escape provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape. Before using fire arms against a prisoner, under the authority conveyed in this rule the officer of the prison shall give a warning to the prisoner that he is about to fire on him.

CHAPTER XXX

OUTBREAKS

804 In every prison a particular place shall be appointed where the guard will assemble for the purpose of quelling any disturbance which may occur. (Rule 743)

805 Upon the news of an outbreak or disturbance amongst the prisoners being received the bell at the main gate shall be violently rung, and it shall then be the duty of every prison official who is outside the prison to proceed at once to the appointed place or places and arm himself under the orders of the senior official present. This officer will despatch a messenger to the Superintendent and Jailor if they are absent, and to the warders lines to summon every available man. (See the preceding rule.)

806 The guard will at the same time load and fix bayonets, but will not act until the arrival of the Superintendent or Jailor of the Prison unless to rescue or to save the life of any of the prison officials against whom the prisoners are actually committing violence or to drive back the prisoners in the event of their attempting to force the gate or scale the walls.

807 If however the prisoners should actually assault the prison officers, or attempt to break out of any particular ward or yard, and the officer should consider that it would be dangerous to delay until the arrival of the prison officials that officer will detach a party to the spot with orders to rescue the officer and prevent the prisoners from breaking out. The officer on arriving at the scene of disturbance, shall give notice to the prisoners in a loud tone of voice that if they do not immediately surrender they will be fired upon. This warning shall if circumstances admit of delay be repeated twice, and if there appears no other means of quelling the disturbance the officer will direct his men to open fire upon the refractory prisoners, which he will be careful to stop the moment they fly or surrender. On the arrival of the Superintendent of the Prison a superior Military Officer, or the Superintendent of Police, the guard will act under their orders. (Rule 757)

808 It shall be the duty of every convict immediately upon the alarm being given, to run at once to previously selected places of security, usually the nearest barrack, where they shall,

507. Prisoners who are outside the prison when the alarm is sounded shall be at once collected and halted under guard of their escort until the disturbance is over, and they should be made to sit down close together.

511. Any officer of the prison may use a sword, bayonet, fire-arm, or any other weapon against any prisoner using violence to any officer of the prison or other person provided that such officer has reasonable ground to believe that the officer of the prison or other person is in danger to life or limb, or that grievous hurt is likely to be caused to him.

812. No officer of the prison shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

ACCIDENTS, SUICIDE, FIRE.

wells, if any, in a prison shall, as far as practicable be protected so as to prevent prisoners falling or throwing themselves in. Care shall be taken that pieces of glass or anything likely to be used for suicidal purposes are not left about in the prison. Poisonous drugs shall on no account be unnecessarily left within the reach of prisoners.

816 Every precaution shall be taken against fire. When the prison is being locked up all fires not actually in use or under supervision shall be extinguished. In extra mural prisons as large a supply as possible of buckets and vessels full of water shall be collected at a suitable spot in the camp. If the camp is composed of huts a supply of fire hooks shall always be at hand with which to level those huts nearest the conflagration or if of tents, the prisoners shall be taught to strike or pull down these tents at short notice. The measures to be taken in case of fire, such as sounding an alarm, the removal of the *let* chain, the vacating of the huts or tents etc. should be concerted, and at least not less than once a quarter (the date of rehearsal to be entered in Register No. 1) all the staff and prisoners shall be instructed and drilled in them.

CHAPTER XXXII

INTERVIEWS AND COMMUNICATIONS WITH PRISONERS

Chapter IV, Prisons Act

817 Applications for interviews with prisoners from their friends shall be in writing and shall be deposited in a box placed in a conspicuous position at the main gate of the prison. This box shall be kept locked and the key retained by the Jailor. It should be opened at a fixed hour daily, and all applications submitted to the Superintendent for his orders. A notice shall be posted up near the main gate stating the days and hours at which interviews are granted. It is desirable that a copy of this should be sent to the Courts of the District, from which prisoners are received, for the purpose of being exhibited at the Court house.

818 No interview between a prisoner and his friends shall be allowed except on the order of the Superintendent in writing.

819 In Central Prisons a senior warder, and in other prisons the Jailor or Deputy Jailor as well as the warder in charge of the prisoner, shall, if practicable be present at the interview.

820 The interview shall not, as a rule, last longer than fifteen minutes and shall be within sight and hearing of the prison officials named in the foregoing rule. It shall be held inside or near the main gate (except in cases of illness or of female and dangerous prisoners) and away from the main body of the prisoners. Interviews between female prisoners and

their friends shall, if practicable, take place in the female ward in the presence of the Jailor or Deputy Jailor or matron. The prisoner shall be carefully searched previous to, and at the close of, the interview.

821. Permission shall at the discretion of the Superintendent be granted to recently sentenced prisoners to write to and see their friends once or twice, or oftener if necessary, to enable them to execute a power of attorney, to appeal, or to provide for the management of their property.

822. Convicted prisoners, whose conduct has been good, may be allowed an interview with their friends once in four months; the privilege to be withheld for bad conduct or breaches of prison discipline till four months' good conduct has been registered. A convict may, with the permission of the Superintendent, write and inform his friends when he is entitled to an interview and ask them to come.

NOTE—For the purposes of this rule a "warning" shall not reckon as a punishment.

823. A convict warder may be allowed an interview once a month, a convict overseer once in two months, and a convict night-watchman once in three months, provided that in each case the convict officer's conduct has been satisfactory.

824. In cases of urgency, and especially when it is clearly established that the interests of the convict's family are likely to suffer, special permission to have an interview or write a letter may be granted. The reasons for allowing this concession shall be entered by the Superintendent in the prisoner's history-ticket.

825. In case a convict, who wishes to write to his friends, has no funds to pay the postage, the letter should be sent bearing. If a letter is returned by the Dead Letter Office, it is left to the discretion of the Superintendent whether the latter should allow the convict to write a second time (Rule 830)

826. The privilege of receiving and writing letters shall be granted on the same terms as that, and in place, of interviews, the letters received for or written by a prisoner being submitted for the inspection of the Superintendent, who has the power to withhold, or decline to forward, such letters. The receipt of, and the reply to, a letter shall be reckoned as one indulgence.

NOTE (a)—A post-card or letter calling friends for an interview shall not be classed as a privilege under this rule.

NOTE (b)—When the Superintendent is desirous of ascertaining the contents of any vernacular communication addressed to a prisoner in his charge and is unable to do so with the aid of local resources, the communication in question should be submitted to the Inspector-General of Prisons with a view to obtaining from the Oriental Translator to Government, a reliable translation of the same in English.

NOTE (c).—See Circular No. 4, dated 8th June 1908, and Circular No. 8032, dated 20th July, 1909.

827. Prisoners in a dangerous state of health may be allowed one or more interviews with their friends on the representation of the Medical Officer, intimation being sent to the friends if requested by the prisoner.

828 Prisoners sentenced to transportation—and about to be transported—and those sentenced to death shall be allowed one interview with their friends and, at the discretion of the Superintendent, may be allowed two or more interviews (Rules 1044 and 1075.)

829 Matters of private importance such as the death of a relative may be communicated by letter by the friends of a prisoner at any time to the Superintendent who will, if he considers it expedient, inform the prisoner of the substance of the communication.

830 In case of a prisoner's letter not being delivered to the addressee, the prisoner shall be informed of the fact and told when he may write again.

831 If the Superintendent is aware of any sufficient cause why any particular person should not interview a prisoner, the former shall refuse such person an interview, duly recording the circumstances in Register No. 12.

CHAPTER XXXIII.

APPEALS AND PETITIONS.

832 Any convicted prisoner desiring to appeal, and entitled to do so, shall be granted every facility for appealing to the proper Appellate Court. Any petition of appeal made by a prisoner within the period allowed by law for appealing, shall be countersigned by the Superintendent of the prison and forwarded without delay to the Appellate Court with a copy of the judgment or order appealed against.

NOTE.—In submitting prisoner's appeals to the Appellate Court the number of the case on the Magistrate's file if quoted on the warrant shall be stated.

833 The periods allowed under Act XX of 1877 for appeal to the different Courts are as follows:—

	Day
Appeal from a Subordinate Magistrate's decision to the Magistrate of a District	30
Appeal to the Sessions Judge	30
Appeal to the High Court where the sentence against which the appeal is made is not a sentence of death passed by a Sessions Judge	60
Appeal to the High Court against a sentence of death passed by a Sessions Judge	7

NOTE.—In computing the above periods there shall be excluded (a) the day from which such period is to be reckoned; and (b) the time requisite for obtaining a copy of the sentence appealed against.

834 Arrangements shall be made for having petitions of appeal written out for prisoners who cannot write and who have no friends or agents who can draw up the petitions for them. In the case also of the prisoner having no friend or agent who will appeal for him, the Superintendent shall apply for a copy of the judgment or order from the sentencing Court, to be appended to the petition of appeal.

835. Convicts are permitted to prefer petitions to Government for pardon or mitigation of sentence. Such petitions shall be signed by the prisoner and attested by the Superintendent or Jailor. If written in vernacular, they shall be accompanied by an abstract or précis in English. Every such petition shall also be accompanied by a covering letter addressed to the Secretary to Government, Judicial Department, and by a nominal roll. Any other facts of importance bearing on the case shall be entered by the Superintendent in the remarks column, *e.g.*, whether accomplices of the prisoner have been released, whether the prisoner is known to be a hereditary or professional criminal, &c. In the case of prisoners convicted at one and the same trial, the petitions of two or more prisoners may be submitted together under a single covering letter and one nominal roll. The above mentioned procedure may also be adopted if the petition is addressed to His Majesty the King Emperor or to His Excellency the Governor General in Council.

NOTE—(a) In the case of prisoners convicted by Courts subordinate to other Local Governments or Administrations, petitions should be forwarded direct to such Local Government or Administration whether addressed to them or higher authority. The other formalities in this rule should be observed in such cases.

(b). The nominal roll shall furnish the following particulars — .

Register number.

Name, caste, usual occupation and place of residence of prisoner.

Crime and section of Indian Penal Code under which convicted.

Sentence

Date of sentence.

Adjudicating Court.

Appellate Court and result of appeal.

Age.

State of health

Conduct in prison

Number of previous convictions

Number and date of previous orders of Government, if any.

Remarks

836 Every facility shall be given to a prisoner to prepare petitions for submission to Government in accordance with these rules, but if a convict's relatives, friends or agents desire to petition Government against the sentence passed on him, they should send their petition direct. Such petitions should not be received by the Superintendent unless the circumstances of the case seem to render it advisable to do so.

837. A prisoner can appeal only once to a Judicial Court; the order of the Appellate Court is final. If the prisoner wishes to move a higher Court for the revision of the proceedings in his case, action must be taken by his friend or agent. The Prison authorities cannot act in the matter.

838. If the result of an appeal is not communicated within 15 days, or in the case of the High Court within one month of the date on which the appeal was submitted, the Superintendent shall send a reminder to the Appellate Court or to the Registrar.

of the High Court, as the case may be, enquiring what has been the result of the appeal, and thereafter may report the enquiry at reasonable intervals. The result of the appeal shall be communicated to the prisoner and this shall be certified on the writ which shall be attached to the prisoner's warrant. The number and date of the writ with the result of the appeal shall be recorded in the proper column of Judicial Register No 3 and also in the prisoner's history ticket.

839 If a petition for mitigation of sentence or pardon is based on grounds of alleged bad health, old age or other infirmity of the prisoner petitioning it shall be accompanied by a report of the Medical Officer stating how far the allegations are true and by an expression of that officer's opinion as to the probability of life being seriously endangered by prolonged imprisonment and whether the prisoner's life is likely to be prolonged if he be set at liberty.

840 When a petition to Government has been once rejected a second petition from the same prisoner shall not be permitted through the authorities of the prison, except on the written recommendation of an official visitor as provided in Rule 842.

841 A petition shall not be forwarded if it contains statements which the Superintendent knows to be untrue and which the prisoner refuses to amend after the petition has been returned to him for amendment. Nor should a petition be forwarded if it proceeds only on a claim to consideration of general application which has already been disposed of, or other matter which is provided for in the prison rules.

NOTE.—The Jailers of 1877 are in favour of such a claim. A request to be allowed special food is one that is provided for in the prison rules.

842. When a petition is withheld under these rules then notwithstanding anything contained in Rules 840 and 841, such petition shall be forwarded if an official visitor makes a written requisition to that effect in the Official Visitors Book. To allow of an official visitor forming an opinion in the matter copies of all petitions sent to Government shall be kept in the office of the prison and any such copy with any orders of Government thereon, and any petition withheld as aforesaid, shall be shown to any official visitor who desires it.

NOTE.—See Chapter XLIV for rules regarding appeals and petitions for mercy of prisoners condemned to death and Government Resolution Judicial Department, No. 6177, dated the 6th September 1890, regarding appeals of prisoners received from Native States.

CHAPTER XXXIV

HOSPITAL MANAGEMENT AND EPIDEMICS.

843 All prisoners complaining of illness shall be brought before the Medical Officer and shall be examined by him, and he shall determine whether they shall be detained under observation treated outside the hospital placed on the convalescent gang or

G. R., J. D.
No. 4706,
dated 20th
August 1892,
Appendix—
Para. 80.

admitted into hospital. If he thinks none of these courses necessary, he may make any recommendation in writing as to the prisoner's labour or diet in Register No. 34, which shall be laid before the Superintendent for his information and orders. In the case of a Superintendent who is also a Medical Officer, it will be sufficient if he records these orders in the register referred to. In the absence of the Medical Officer, the Medical Subordinate may admit prisoners into hospital, bringing them before the former on his next visit. Any order passed by the Medical Officer as to a prisoner's labour or diet shall be entered in the latter's history ticket, provided that such prisoner be sentenced to more than 14 days' imprisonment.

J. D., 708, 30th, 1892, index—11. S44. The Hospital cots shall be of iron with cotton tape. A ticket in Form No. C M 22 shall be placed over every occupied bed, and in any serious case a record in Form C M 16 shall be kept. In fever cases a temperature chart shall also be kept.

S45. A prisoner may be detained for 24 hours but not longer in hospital under observation, without being brought on Register No. 35. If the Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent, for punishment.

J. D., 708, 30th, 1892, index—31, 32, d 34. S46. In every prison there shall be formed a gang, which shall be termed the "Convalescent gang." This gang shall be made up of (1) prisoners who from age or bodily infirmity are physically and permanently incapacitated from the performance of hard or medium labour, (2) prisoners who have been discharged from hospital convalescent and who are temporarily unfit for hard or medium labour, (3) prisoners who are generally out of health suffering from obscure organic disorder, from mal-nutrition and the like. Prisoners of this gang shall not be excused all labour (except under the written recommendation of the Medical Officer), but some light work suited to their strength shall be assigned them. They shall be examined daily by the Medical Subordinate and, at least, once a week by the Medical Officer. They shall, as far as practicable, be kept together and their names shall be entered in Register No. 37.

Prisoners convalescent from dysentery, cerebro-spinal meningitis and pneumonia should be segregated for at least a month after their discharge from Hospital. (Rule 263)

S47. Any case of infectious disease, or any case suspected of being infectious, shall immediately be separated and treated apart, and the strictest isolation of the case shall be maintained until it has been pronounced by the Medical Officer safe to discontinue such isolation. The Medical Officer shall give written instructions as to the cleaning, disinfecting or destroying of any infected clothes or bedding, and he shall satisfy himself that they are carried out.

S48. When a case of infectious disease has occurred or been treated in a ward, the ward shall at once be disinfected by a solution of perchloride of mercury being pumped or dashed over the

floor, walls, rafters and ceiling of the ward. The walls when dry should then be thoroughly scraped and the floor if of earth, when dry shall be thoroughly dug up to the depth of 2 or 3 inches, the scrapings from the walls and the earth from the floor being removed and burnt and the floor being relaid with fresh earth (Rules 863 and 874 (a))

849 The Superintendent shall, in communication with the Medical Officer, detail a sufficient number of well conducted prisoners to perform the menial duties of the hospital. Prisoners so detailed shall be under the immediate orders of the Medical Officer and shall perform such duties as he may require of them.

850 Hospitals shall be kept scrupulously clean and well ventilated. Noisy lunatics shall not be kept there but in separate cells. The walls of the hospital shall be scraped and whitewashed once in six months, and oftener if necessary.

851 It is of the greatest importance that the strictest cleanliness be at all times observed in the clothing and bedding in use in the hospital and the Medical Officer shall take such steps as may be necessary to secure this.

852. When the Medical Officer is of opinion that the removal of a sick prisoner to another prison is absolutely necessary to save his life and is likely to lead to his recovery he shall submit a brief statement of the case to the Superintendent and point out the prison to which he considers a transfer desirable. The Superintendent shall submit the recommendation to the Inspector General for his orders.

NOTE.—If any prisoner transferred for the benefit of his health dies within three months after his arrival, of the disease on account of which he was transferred, his death shall be borne on the returns of the transferring prison, but if during such 3 months he dies of a different disease or is subsequently to such 3 months, of the disease on account of which he was transferred, his death shall be included in the returns of the prison wherein he dies. In the former case his admission shall not be included in the statistics of the receiving prison nor his transfer in the statistics of transfer of the despatching prison.

EPIDEMICS.

853 The chief epidemic diseases which are likely to occur in Indian prisons are:—

Cholera, diarrhoea, small pox, cerebro-spinal meningitis, influenza, relapsing fever, dysentery, pneumonia, plague, occasional ly beri beri, mumps and measles.

854 If within a week after the first case of cholera, cerebro spinal meningitis or plague has shown itself in a prison two or more cases occur, it shall be considered that the disease has assumed an epidemic form and information shall *at once* be sent to the Inspector-General. (Rule 865)

855 In the event of epidemic disease being present in the vicinity of a prison care shall be taken, as far as possible, to prevent any communication taking place between the inmates of the prison and the infected locality.

ties should be communicated with, so that any extra guard required for the camp may be in readiness

867. The evacuation of a whole prison is seldom necessary, and as it involves large expenditure and disturbance of discipline and labour, it should not be resorted to without the most careful consideration. If the monsoon is in progress, it must involve much exposure, which may be injurious. On the other hand, prompt reduction of the Jail population by removal of a portion of the prisoners into camp allows the infected wards to be vacated and cleansed, and is often the best and least expensive course

868. When the tents provided at the prison are insufficient for the accommodation of the prisoners, application shall be made by telegram to the Inspector-General, and if more tents are not procurable, huts shall be put up for the shelter of the prisoners. The tents, after the camp is closed, shall be allowed to stand for a few days, during which they shall be thoroughly disinfected (Rule 848)

869. If the disease continues unabated in frequency and virulence after the removal of the prisoners, it will be advisable to shift the camping ground

870. When prisoners are moved into camp, dry straw may be provided for them to sleep on and cots for the sick (Rule 866.)

871. In camp there shall be two detached hospitals—one for the treatment of miscellaneous cases, and the other for the treatment of epidemic cases. These shall be to the leeward of, and some distance from, the camp.

872. Careful attention shall be paid to the conservancy of the camp, and the trenches shall be dug every day to the leeward of the position. The prisoners and all connected with the camp shall be made to resort to these trenches for the purposes of nature. These trenches shall be covered over with earth every evening.

873. No one but prison officials, or those having the Superintendent's pass, shall be allowed to enter a camp. The boundary of a camp can be effectively marked by a ditch 6 inches deep and 18 inches wide, the earth from this being all heaped up outside. By these means a sharp, well-defined shadow is thrown which at night assists the sentry in detecting any one crossing the boundary. In place of the trench a fence of thorny bushes, if available, may be constructed

874. Where epidemic disease has broken out in a prison, and *it may not be considered desirable to remove the prisoners into camp*, the following precautions shall be observed in the prison during the prevalence of the disease —

(a) The barrack in which a case occurs shall be immediately vacated, other accommodation being found for the inmates,

who shall be kept together, and on no account be distributed amongst the other prisoners. The vacated barrack shall be thoroughly and carefully disinfected the disinfection being carried out if possible by the prisoners who occupied the barrack (Rule 863)

(b) The condition of every prisoner shall be carefully watched, as the earlier a patient is treated the greater is the chance of his or her recovery. During the night enquiries as to the health of the inmates of each barrack shall be made by the entries every hour and any person attacked by prominent symptoms shall be immediately removed for treatment. Convict officers shall be required to report at once any sign of sickness and a prisoner visiting the latrine oftener than usual at all be placed under observation.

(c) The most scrupulous attention shall be paid to the latrines and every detail connected with "dry earth conservancy" shall be most carefully and continuously enforced. Should any latrine have been used by a prisoner suffering from cholera or epidemic dysentery or diarrhoea the latrine shall be closed and disinfected: all pans if of earth broken and buried or burnt if of iron disinfected with fire or strong disinfectant solution, exposed to the sun, and tarred.

(d) The measures enjoined in Rule 849 shall be adopted and a wood fire shall be burned in each ward or cell, the doors and windows being closed for a short period.

(e) All overcrowding shall as far as possible be strictly avoided both in the hospital barracks and cells. If the epidemic be severe it may be desirable to give up the hospital to epidemic cases removing all other cases to any temporary hospital that can be improvised in a ward or workshop should there be no better place available. Slight cases of colic or ordinary diarrhoea should also be treated separately and not admitted to hospital until the characteristic symptoms of cholera have appeared.

(f) Those parts of the hospital floors which are liable to be soiled may be sprinkled with ashes, saw-dust or fine sand. All discharges shall immediately be carried away and any portion of the floor which is soiled shall be at once cleaned and thoroughly wetted with strong solution of carbolic acid, or perchloride of mercury.

(g) During epidemic disease if the water-supply is not absolutely free from suspicion special attention shall be paid to the boiling and subsequent filtration of all drinking water which shall, if possible be changed and the result of the change on the prisoners' health carefully watched.

(h) If necessary the number of sweepers shall be increased and if there are not sufficient prisoners available for conservancy duty, the extra number required shall be engaged from outside. The convict sweepers and attendants on patients may

be encouraged in their work by a small daily allowance of tobacco or some inexpensive change of diet. All reasonable charges, which it may appear necessary to incur in carrying out these rules, will be passed by the Inspector-General.

(z) Work in the factory shall be relaxed, but not discontinued entirely. The prisoners, if in camp, shall be employed in cleaning and levelling the ground and other easy labour. A mid-day rest shall be allowed.

(γ) If for ten clear days no fresh case has occurred either in camp or in the prison, and the prescribed purification of the latter has been completed, the prisoners may return to it.

(k) Before the prisoners return, the whole of the clothing and bedding should be subjected to the action of boiling water. The action of boiling water for ten minutes is believed to be quite sufficient to destroy any infectious matter adhering to clothes, etc. Care must be taken that the water is actually boiling.

(l) The dejecta of a patient suffering from cholera shall be received in a vessel containing some disinfectant and be immediately buried or burned.

(m) On the recovery or death of a patient suffering from a readily infectious disease, the clothing and bedding shall be immediately burnt.

(n) The prison officials and their quarters shall be attended to in every respect according to the rules laid down for the protection of prisoners.

(o) Cases occurring amongst the female prisoners are to form no exception to these rules.

(p) The body of a prisoner who has died of a highly infectious disease shall be entirely wrapped in a sheet saturated with a strong disinfectant, *e.g.* one part perchloride of mercury in 750 parts of water, and buried or burnt with the least possible delay.

(q) Whenever epidemic sickness prevails in a prison, a return in Form No. III shall be submitted daily to the Inspector-General. On this return the Medical Officer shall briefly note the measures he is taking to arrest the epidemic, and any information he may consider of importance. The return shall be discontinued when the attacks have ceased. The outbreak shall also be reported to the Chief Sanitary Officer of the district.

VACCINATION.

875 Section 33 of the Bombay District Vaccination Act (I of 1892) runs as follows —

Subject to such rules as the Inspector-General of Prisons with the sanction of Government may make in this behalf, and to such exemptions as Government may from time to time, by either a general or a special order, authorize, the operation of vaccination shall be performed on every person confined in any

of the cases hereinafter mentioned, whatever the age or sex of such person may be and whether such person consent to undergo such operation or not, that is to say, in the case of every person in respect of whom—

(a) imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a criminal court, or

(b) a criminal court has directed imprisonment in default of payment of fine for a term which, if the fine be not sooner paid, will exceed one month, or

(c) a court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month or

(d) an order has been passed by Government under either section 460 or section 471 of the Criminal Procedure Code, 1908, for his confinement as a lunatic.

876 The vaccination of prisoners shall be carried out either by the Medical Officer or Medical Subordinate of the prison if the former is able to procure the necessary supply of lymph, otherwise by the local public vaccinator. All officers and their families residing in prison quarters must be vaccinated. (Rules 303, 350)

877 Calf lymph shall be ordinarily used for vaccination. Arin to arin vaccination shall only be resorted to when calf lymph is not procurable.

CHAPTER XXXV

GENERAL SANITARY ARRANGEMENTS.

Sections 4, 7, 27, 28, 29 and 39 of the Prisons Act

(a) *Site, construction, disposition of buildings etc*

878 If the subsoil water level on any site never falls below or 10 feet from the surface in the dry months, or if at any time rises to less than five feet from the surface and if when the seasonal rain falls, it rises rapidly to within a few feet of the ground level that site must be regarded as unhealthy and if prison buildings are to be erected thereon, such shall be constructed so that the plinths may be well above the ground. In damp soils when practicable, surface drains shall be dug round the barracks so as to cut off water which otherwise may flow from higher ground.

879 The rise and fall of the subsoil water may be registered annually by observation of the level of the water in the nearest well when highest or lowest or by means of a trial pit, or the measurements may be taken biennially immediately before the rains and immediately after. In districts where there is a scanty rainfall, the measurements may be taken before or after the opening of the irrigation channels and during the height of the hot weather.

G. R., J. D.,
No 4708,
dated 30th
August 1892
Appendix—
Para 3

880 The sleeping wards of a prison should, where the site is unhealthy, be built on open masonry arches or on masonry supports so that a free current of air may pass under the flooring and the prisoners may be preserved from sleeping on damp cold ground.

G. R., J. D.,
No 4708,
dated 30th
August 1892
Appendix—
Para. 4.

881. The wards and cells of a prison may be placed in echelon or radiating from a centre, the chief point for consideration being to avoid obstructing through ventilation by contiguous buildings, or high divisional or surrounding walls. The radiating system offers special facilities for guarding.

G. R., J. D.,
No. 4708,
dated 30th
August 1892
Appendix—
Paras 5, 6, 7,
8 and 9

882. The most suitable width for a ward for native prisoners in association is 18 feet. The height of the walls from floor-level to the wall plates or spring of the arch should in no case be less than 15 feet. Direct perfilation of air should be secured by large grated openings on both sides and at each end of the ward. Such openings should be supplied with wooden shutters, opening by upper and lower halves, or with venetians. The control of the ventilation by these means should not be within the reach of the prisoners confined in the ward. If the climate requires it, roof ventilation in addition to the above should be arranged for. Night latrines should be provided in each ward and should be constructed in the form of cages and should be well cut off from the ward. A ward should not contain at the outside more than 50 berths.

G. R., J. D.,
No. 4708,
dated 30th
August 1892.
Appendix—
Para 11

883 A prison hospital ward may be of the same dimensions as a sleeping ward, but the number of cots in a hospital ward should not be more than 30. The building should be surrounded by a verandah in which the sick can have change of air. When the climate requires it, the hospital should have fire-places or stoves. A portion of the hospital accommodation should consist of small secluded rooms for the treatment of serious cases. A lavatory for the patients should be attached to the hospital and a small kitchen provided. The hospital should be large enough to contain 8 per cent. of the total accommodation of the prison.

G. R., J. D.,
No 4708,
dated 30th
August 1892
Appendix—
Para. 12.

884 The minimum area and capacity of a cell should respectively be 100 superficial and 1,500 cubic feet. Every cell should have through ventilation by means of a window at the back wall and an open grated door or window in front.

G. R., J. D.,
No. 4708,
dated 30th
August 1892
Appendix—
Paras 6, 11,
19 and 20.

885. The minimum allowance per prisoner of site area should be 50 square yards, and of accommodation in wards 10 superficial and 648 cubic feet. The allowance in hospital for prisoner should be 60 superficial and 900 cubic feet. The proportion of wall space should not be less than 5 feet per prisoner and the minimum allowance of ventilation area should not be less than 10 square feet per prisoner.

G. R., J. D.,
No 4708,
dated 30th
August 1892.
Appendix—
Para. 10.

886. Every ward may be provided with berths to the exact number justified by the capacity. Such berths should be arranged on either side of the ward. No berths should under any circumstances be ranged down the middle of a ward in addition to the side rows. A convenient size for a berth is 6' 3" x 2

feet. The berths should be raised above the floor of the ward at least 1'-7" to 1'-10". The berths should have a space of 3 feet between them and the heads of the prisoners should not lie towards the middle of the ward. There is no objection to berths being placed opposite windows if the latter are well above the level of the former. In the hospital, iron cots with cotton tape should be provided for the prisoners to sleep on. All floors of barracks or hospitals in prisons should either be paved with stone or laid with some impermeable material such as concrete with a covering of Portland cement, tiles or asphalt.

857 As discipline cannot be well maintained in open work sheds, the opening at the sides or ends of such workshops as are not enclosed with masonry walls should be closed with wire netting, or light wooden or bamboo gratings and should have a light door that can be locked. Urinals should be provided in a corner of the workshop or near by.

G. R. J. D.
No. 409
dated 30th
August 1892.
Appendix—
para. 18.

858. Means of isolation in association and in separate cells for the following classes of prisoners should be provided in prisons where such is practicable:—

- (1) Under trial prisoners
 - (a) { before the Magistracy,
 - (b) { before the Sessions
- (2) Ordinary male convicted prisoners
- (3) Female prisoners—convicted and under trial—
- (4) Habitual male convicted prisoners—cells—
- (5) Sick prisoners,—males
- (6) Juvenile prisoners
 - (a) { those who have reached puberty
 - (b) { those who have not reached puberty
- (7) Condemned prisoners.
- (8) Convicts under punishment—cells—

859 It is also desirable in large prisons to have special accommodation for—

- (1) European prisoners
- (2) Native military prisoners (those sentenced for purely military offences)
- (3) Leper prisoners
- (4) Prisoners suffering from infectious or contagious diseases

860 The latrine seats provided in a prison should be at least 12 per cent of the number the prison can accommodate

(b) Accommodation and Ventilation

861 The capacity of a ward shall be fixed by a calculation based on that standard which permits the fewest number of prisoners to be locked up in the ward. In calculating cubic

capacity the height above 15 feet from the ground shall not be taken into account.

892 Over the door of every ward there shall be affixed a zinc, brass, or wooden plate specifying the number of cubic and superficial feet which the ward contains and the maximum number of prisoners which it is capable of accommodating.

G. R., J. D.,
No 4708,
dated the 30th
August 1892
Appendix—
Para. 20

893 In calculating the maximum number of prisoners to be confined in any ward, every prisoner shall be allowed not less than 40 superficial and 648 cubic feet.

894 In the event of a prison being overcrowded, the Superintendent shall either utilise the worksheds as sleeping wards or accommodate in huts or tents the excess number of prisoners, reporting the circumstances to the Inspector-General.

895. The special attention of the Superintendent and of the Medical Officer shall be paid to the ventilation of the wards to ensure a constant supply of fresh air, while an exit for the foul air shall be provided by roof and by lateral ventilation.

896. As the condition of the atmosphere breathed by prisoners during the night can only be judged of by visiting at all seasons the sleeping wards several hours after the inmates have been locked up, the Superintendent and the Medical Officer shall at uncertain intervals visit the prison at night to satisfy themselves as to the adequacy of the ventilating arrangements and to see that such are properly controlled, and are not obstructed by prisoners in the cold season to ensure warmth. The temperature should be taken occasionally both inside and outside the wards. When testing the atmosphere it is advisable to bend down to the level at which the prisoners sleep, as the air on a level with the windows may be comparatively pure while that exhaled by the lungs, bodies and clothes of the prisoners is very impure. The results of such visits shall be recorded in either Register No 12 or Register No. 34

897. Every possible arrangement shall be made for the thorough ventilation of the sleeping wards during the day, as many hours of free ventilation are required to remove the organic matter which adheres to the walls and which is but slowly oxidised. It is absolutely necessary that the bedding should be removed out of the barracks for several hours daily if the weather is fine. Even in wet weather, if verandahs are available, the bedding should be exposed in them to the influence of the air.

898 The locking-up Register No 10, which should be seen constantly by the Superintendent and the Medical Officer, shows the number of prisoners confined each night in the wards.

(c) *Conservancy.*

899 The Superintendent, the Medical Officer, the Jailor and all subordinates are responsible for any want of attention paid to conservancy.

900 The dry-earth system of conservancy shall as far as practicable be adopted in all prisons.

901 Cesspools of any description and drains of any kind for sewage purposes within a prison and its precincts are absolutely prohibited, unless they are connected with the sewage system of a large city.

902. No water except that in the vessels for urine shall be allowed inside a latrine worked on the dry-earth system. Water for personal ablution shall be provided outside.

903 The latrine building should be of the simplest description, sufficiently screened for decency sake but otherwise freely open to permit of thorough ventilation. The building if necessary should be covered in and the seats should be divided by mud partitions or screens of split bamboo tarred, or sheet iron.

904 Latrines should be built mainly of stone and iron with tarred woodwork and impervious floors and no lime should be used in their construction or, at any rate so used that it cannot possibly come in contact with the urine or excreta.

905 The latrines should be so constructed as to prevent rainwater or surface drainage from mixing with the excreta.

906 The seats shall consist of blocks of stone. No lime or chunam shall be used.

907 Each partition shall be provided with two separate vessels for urine and fecal matter respectively. The vessels for urine shall be filled about one-third with water.

908 Beneath the urinals and pans there should be a layer of dry earth in diameter about double that of the urinal or pan and in thickness about four inches, and any careless spilling of urine or fecal matter beyond this layer should be punished.

909 The essential conditions for the success of the system of dry earth conservancy are—

- (a) Immediate applications of earth to excreta.
- (b) The use of dry sifted earth.
- (c) The application of a sufficient quantity of earth to the excreta.
- (d) The scrupulous avoidance of mixture of urine or water with the compost of earth and excreta.

910 Plenty of dry earth and small wooden scoops shall be provided in each latrine, and every prisoner after using the latrine shall be required to throw dry earth over the excreta. Willful neglect of this rule or using the urinal pan for defecation should be punished.

911 Provision shall be made for the permanent supply of dry sifted earth in every latrine. If it is impossible to provide for this, from day to day, in sufficient quantity during the rains, a store must be kept in a building covered in and protected from the rain. The earth to be used must be perfectly dry and finely

powdered. It should usually be obtained from the prison garden. The more sandy the soil, the less efficacious it is for conservancy purposes.

912. The latrines and urinals shall be cleaned out morning and evening and also, if necessary, in the middle of the day.

913. Every ward and cell shall be provided with separate receptacles for urine and fecal matter, the former being one-third filled with water. A basket of dry earth and a wooden scoop shall also be provided. These receptacles shall, if possible, be placed in a cage (Rule 882) in the wards, or be screened off from general view. The cage or other place occupied by them shall be thickly coated with tar and the floor spread with dry earth in accordance with Rule 908. The use, during the night, of the vessels for fecal matter should be discouraged.

914. The conservancy vessels used in the wards shall be removed immediately the prisoners leave the wards and replaced before locking up.

G. R. J. D.,
No. 4708,
dated 30th
August 1892,
Appendix—
Para. 24.

915. All fecal matter, refuse of the kitchen and sweepings of the prison should be buried in shallow trenches, not pits, in the prison garden where there is one.

916. The trenches should be about one foot wide and one foot deep, with an interval of about one foot between each trench.

917. The trench should be filled with fecal matter thoroughly mixed or amalgamated with dry earth or other refuse matter to within six inches from the top; it is then to be filled in with the dry earth taken from the trenches and the earth gently rammed down. The trenches should remain untouched for about six months when the ground should be dug up crosswise and cultivated.

918. The trenches should be as far from wells as can possibly be arranged, and only a sufficient extent of trench for the day's requirements dug at a time.

919. The urine is not on any account to be buried in the same trenches or mixed with the excreta, but should be collected and buried in separate trenches.

920. Pits or deep trenches for the deposit of urine, excreta or refuse matter are peremptorily forbidden.

(d) *Water-supply*

G. R. J. D.,
No. 4708,
dated 30th
August 1892,
Appendix—
Para. 28.

921. The purity of the water supplied to the prisoners for drinking and culinary purposes is a matter of the first importance, and both Superintendent and Medical Officer shall, therefore, pay constant attention to it. Twice a year, in June and November, a sample of the drinking water of each prison shall be submitted to the Chemical Analyser for analysis and the result of the analysis reported to the Inspector-General.

922. If the purity of the water-supply at any time is suspected, the Medical Officer shall at once forward a sample to the

Chemical Analyser and report the result of the analysis to the Inspector-General.

923 In prisons where there are several sources of water supply, the best shall be set apart for drinking purposes.

924 Should the water-supply in a prison become for a time unusually impure it should be rejected for drinking and culinary purposes and water from other sources obtained until the source of supply has been thoroughly cleaned out.

925 In those prisons where the water-supply is drawn from a well, the well should be cleaned out once a year. Well water is to be preserved pure by the daily withdrawal of a large quantity of water by the removal of decomposing matter, by obviating the re-entrance of water, taken out and specially by preventing the percolation of sewage. Further, the prisoners shall not be allowed to bathe or wash their clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs should be emptied and cleaned out before the rains.

926 The water used for drinking purposes shall be filtered or not according as the Inspector General on the advice of the Medical and Sanitary authorities shall direct. The purification of water, the quality of which is doubtful can be effected by boiling it.

927 If practicable, all convicts on extra mural work should obtain their supply of drinking water, during working hours, from the same source as the other prisoners.

(c) Burial of the dead

928 The body of any prisoner dying or executed in prison shall be made over to the friends of the deceased, if claimed by them unless there are special reasons to the contrary e.g., the prisoner has died of any infectious disease or in the case of a prisoner who has been executed if there are grounds for supposing that the convict's funeral will be made the occasion for a demonstration.

929 The bodies of any prisoners dying or executed in prison and not made over to friends under the last preceding rule shall be buried in the prison burial ground. Every body that is buried shall be wrapped in a clean cloth. The body of a deceased European or Eurasian prisoner shall be enclosed in a perfectly plain wooden coffin and shall be buried in the cemetery of the persuasion to which he belongs.

930 There shall, as far as practicable, be a burial ground attached to every prison distinctly marked off or enclosed, and used only for the burial of prisoners.

931 In the selection of a burial ground for a prison, care should be taken that the plot selected is not unduly near the prison itself or to any city town, or village; that it is not unduly near any well or other source of drinking water, used either by the prison or the free population; that the prevailing wind does not blow from it towards the prison, and that

sufficient ground is secured to answer all the requirements of the prison for at least fifteen years.

932. The burial ground shall be kept clean and tidy and free from jungle. The graves shall be placed in regular rows, so as to economise space, but not too close together. Trees may be planted about the cemetery.

933. No grave shall be less than six feet deep. One or more graves should be kept ready for occupation.

934. Care should be taken in filling a grave to press down the earth well, so as to protect the body from the depredations of wild animals. The earth should be heaped up one foot above the surrounding surface of the ground, and heavy stones or thorns, if procurable, placed on the top.

935. The Superintendent and Medical Officer shall occasionally visit the burial ground and see that it is properly kept.

(f) *Miscellaneous.*

936. The wards shall be thoroughly swept and cleaned daily.

937. Any part of the mud flooring of the wards or hospital on which faecal matter, etc., has been spilt shall be removed and fresh flooring laid down.

938. The wards shall be scraped and whitewashed once a year and the hospital twice, or oftener if necessary. The date of the whitewashing shall be shown in distinct figures on the wall of the barrack opposite the entrance door.

939. If the Medical Officer considers that the usual means of cleansing are insufficient to remove the animal odour which sometimes persistently clings to a ward, he may cause the ward to be fumigated with sulphur, in addition to the scraping of the walls and any other means in use.

940. The prison area and surrounding ground shall be kept clean and free from all jungle grass and weeds. The area and surrounding ground shall also be thoroughly drained, by either shallow or subsoil drains, to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains should, if possible, be used.

941. Grass should be grown and trees planted and kept neatly trimmed, in or near the prison where practicable.

942. No kitchen refuse shall be permitted to be thrown promiscuously on the grounds, nor rubbish of any kind to accumulate in or near the prison.

943. Earth shall not be dug for bricks or other purposes unduly close to the prison, and all low hollow ground, and specially stagnant pools, shall be carefully filled up.

944. No public privies, dye works, sewage drains, or other public nuisances should, if possible, be allowed near the prison.

945. In prisons where the convicts work with their legs in a pit, when employed on weaving, etc., care shall be taken that such pits are damp-proof.

946 PROCEDURE TO BE FOLLOWED IN CARRYING OUT CURRENT REPAIRS TO JAIL BUILDINGS—

(1) A regular repair estimate with survey report of work to be done should be prepared by the Sub-Divisional Officer in consultation with the Jail authorities. The estimate should be approved by the Executive Engineer and submitted to the Superintending Engineer for sanction if the amount exceeds the Executive Engineer's own power of sanction. From this estimate the value of prison labour should be deducted.

(2) A statement of all materials required for the work provided for should be attached to the estimate.

(3) All the work that can be done by unskilled labour will be carried out by the Jail authorities without the intervention of the Public Works Department, the materials for such work being supplied by the Public Works Department on requisitions signed by the Jail Superintendent.

(4) All work requiring skilled labour will be carried out by the Public Works Department under the Sub-Divisional Officer, who should, as far as possible, employ prisoners for doing unskilled labour.

(5) All work whether carried out by prison labour or by free labour, shall be measured up monthly by the Sub-Divisional Officer and entered in the measurement books.

(6) The Sub-Divisional Officer must see that all Jail rules are strictly observed when introducing free labour for work inside the Jail.

CHAPTER XXXVI

THE PRISON GARDEN

947 Every prison garden shall be surrounded by a thick hedge or high wall, sufficient to prevent prisoners seeing persons outside the garden or being seen by them.

948 The immediate charge of the garden shall be committed to a warder who thoroughly understands gardening and who should, if possible, be specially recruited for the purpose.

949 The Jailor shall be responsible that the garden contains at all seasons a sufficient quantity of good succulent vegetables for prison use, and if this is not achieved he shall be required to show that the failure was not due to neglect on his part. (Rule 175)

950 The accounts connected with the garden and farm shall be treated as belonging to the prison contingent expenditure and the realisations from the produce of the garden and land shall be applied to reducing the cost of maintenance of the prisoners. When vegetables are bought in the market and charged for in the contingent bill, explanation shall always be furnished of the necessity for the purchase and of the failure to make the supply.

from the garden. Indents for English seeds should reach the office of the Inspector-General before the 15th April of each year.

951. The garden shall be kept neat and clean, free from weeds and undergrowth, and having every available portion under profitable cultivation. Special attention should be given to the selection for growth in the garden of vegetables possessing special antiscorbutic qualities (Rules 636 and 638.)

952. Tamarind trees should be planted inside the prison, if space is available for purposes of shade as well as for their fruit. Those portions of the prison lands which are not employed as a garden shall be utilized either for the growth of grain or fuel, or hay, or aloe plants, or for grazing. No prison land should be left unutilized unless it is entirely incapable of being turned to any account. (Rule 639.)

953. The number of prisoners employed in the garden for the growth of vegetables shall not, as a rule, exceed 10 per cent. Great care shall be taken that all available sources of water-supply in prison gardens are utilized and husbanded as far as possible. The irrigation channels should be built of stone or cement, and leakages should be promptly repaired. As much use as possible shall be made of night-soil in the gardens (Rules 915 to 919.)

954. One or more pairs of draught cattle shall, with the sanction of the Inspector-General, ordinarily be maintained for use in bringing in supplies of wood or other articles to the prison, taking articles of the factory to the railway, ploughing, carting, manure, etc. If profitable, cows and buffaloes shall be kept to supply milk to the prison.

CHAPTER XXXVII.

PROVISIONING PRISONERS.

955. The prisoners shall be provisioned either by contract or departmentally as the Inspector-General may order. When provisioning departmentally, the articles may be purchased monthly or weekly, or the system of grain storage may be adopted. In any case the most economical method shall be selected. (Rule 124)

956. If the provisioning is to be carried out by contract the period for which offers shall be invited shall ordinarily be from 1st April to 31st March. Tenders may be invited or bids at a public auction may be taken. In either case the proceedings shall be held in as public a manner as possible, and shall be well advertised. The acceptance of any bid or tender rests entirely with the Inspector-General who alone can sanction the contract.

957. If, for any special reasons, the Superintendent considers it desirable to enter into a contract for a shorter period than one year, he shall communicate with the Inspector-General, with a view to obtain orders in the matter, stating fully his reasons for the change.

958 Forms of agreement and forms of tender are included in the list of printed forms. Tender forms should be supplied free of charge to likely tenderers.

959 Every endeavour shall be made to raise on the prison grounds the articles of food and the fuel required for prisoners so as to reduce the cost of maintenance.

960 Samples of cereals and pulses the supply of which has been contracted for shall be kept in sealed bottles in the charge of the Superintendent.

CHAPTER XXXVIII

UNIFORM

961 Jailors, Deputy Jailors and warders of all grades shall, when on duty, appear in the prescribed uniform and shall pay strict attention to cleanliness of person and dress. Any warder who is slovenly or untidy shall be punished.

962 The uniform for Jailors of the fifth grade and upwards shall be follows —

- (a) Loose patrol jacket, with braided collar and cuffs and shoulder cords of navy blue broadcloth or white drill. The jacket to have a stand up collar $1\frac{1}{2}$ " high fastening with two hooks, five buttons in front, and one pocket on each breast. The two upper pockets to have pointed flaps, fastened down with a small silver-plated button. The sleeves of the jacket to have pointed cuffs of the same material as the jacket the cuffs to be 6" deep, i.e., from point to bottom of sleeve. The side seams of the jacket to be open to about 5 inches from the bottom of the skirt. The buttons on the jacket to be circular about 1" in diameter to be silver-plated with crown and the words 'Bombay Jail Department' in relief.
- (b) Trousers to be made of dark blue broadcloth or white drill. The trousers to be without braid.
- (c) The head-dress to be an Army Regulation white helmet or white pig-ticker, with red turban the turban to have a plain silver lace band $\frac{3}{4}$ " wide on upper edge or (for natives) red turban with a plain silver lace band $\frac{3}{4}$ " wide on upper edge of outermost fold. The cap—the wearing of which is optional—should be an ordinary forage cap of navy blue broadcloth, with $1\frac{1}{2}$ " broad black mohair braid on band and a black braided button on the top. The chin strap to be of black patent leather $\frac{1}{2}$ " broad. The cap is ordinarily to be worn between 6 A.M. and 6 P.M. and by natives when they are working in the office.

963 The uniform for Jailors of the sixth grade and below, shall be the same as that prescribed in Rule 959, with the addition of a badge $2" \times 1\frac{1}{2}"$ —crossed keys worked with white thread on a red cloth ground—which should be worn on the right sleeve just above the point of the cuff.

964. The uniform for a Deputy Jailor of a first class Central Prison shall be the same as that prescribed in Rule 962 but without the silver lace edging on the head-dress.

965. The uniform for a Deputy Jailor, other than that of a first class Central Prison, shall be the same as that prescribed in Rule 963, but without the silver lace edging on the head-dress

966. The uniform for European warders shall be the same as that prescribed in Rule 962 without the silver lace edging on the head-dress, and with the addition on the right sleeve of the cross key badge. These officials shall also carry a babul wood baton 22" in length. The diameter of the baton at the handle end shall be $1\frac{1}{4}$ " and at the thick end not more than 2". The baton shall have a leather loop attached to it. The whole of the baton shall be painted black.

967. Jailors, Deputy Jailors and European warders shall provide themselves with the uniforms above prescribed, at their own cost.

968. The uniform for the Chief Head Warden of a Central Prison shall be as follows:—

- (a) Tunic of navy blue broadcloth, or blue or khaki drill, with five buttons in front, stand-up collar 1" high, two breast pockets, and shoulder straps of same material as tunic. Buttons of tunic to be silver-plated about one inch in diameter with a crown and the words "Bombay Jail Department" in relief.
- (b) The trousers or knicker-bockers shall be made of navy blue broadcloth, or blue or khaki drill
- (c) The belt shall be of brown leather $2\frac{1}{4}$ " wide with a brass hook in front and a sling for the sword. The belt should be worn under the coat and the sword only used on ceremonial occasions.
- (d) The head-dress shall consist of a red padded pointed cap around which a turban of khaki cloth or red and blue shall be worn, the end of the turban should finish on the left side, and should have a yellow and gold fringe attached to it about $2\frac{1}{2}$ " to 3" long.
- (e) Three stars shall be worn on each shoulder strap

NOTE—In places where the rainfall is heavy, a field service cap may be adopted for the head-dress in place of the padded cap and turban and worn also for fatigue duty. All Chief and Head Warders shall provide fringes, stars, chevrons and crowns at their own cost

969. The uniform for the Chief Head Warden of an extra-mural Prison and the Chief Head Warden of the Special Prison, Thana, shall be the same as that prescribed in Rule 968.

970. The uniform for the Senior Head Warden of all other Districts and Special Prisons shall be the same as that prescribed in Rule 968 with the exception that no sword is allowed, and that the belt shall have a silver rectangular plate $3\frac{1}{4}$ " \times $2\frac{1}{2}$ " on

which shall be engraved "Bombay Jail Department and the name of the Prison with a crown in relief. The belt to be worn outside the coat. Two stars to be worn on the shoulder-straps.

961 The uniform of other Head Warders shall be the same as that prescribed in Rule 970 with the exception that the buttons and belt plate shall be of brass. The belt to be as laid down in Rule 970. No star shall be worn but in place thereof chevrons shall be worn as follows—

Head Warders, 1st Grade R. 25 .. Three chevrons of gold braid surmounted by a gold crown to be worn on right cuff just above the cuff with apex pointing to the shoulder.

Do. 2nd Grade R. 26 .. Three chevrons of silver braid to be worn on the upper portion of right sleeve with apex pointing down.

Do. 3rd Grade R. 27 .. Three chevrons of red cloth with crown.

Do. 4th Grade R. 28 .. Do. do.

Do. 5th Grade R. 29 .. Do. without crown.

Do. 6th Grade R. 30 .. Two chevrons of red cloth.

Do. 7th Grade R. 31 and

Senior Warders on R. 1 .. One do.

NOTE.—Head Warders on R. 25 to wear silver fringes in turban and others below this grade to wear blue cloth fringes. All Head Warders below first grade other than the Senior Head Warden of the Jail shall wear knickerbockers and puttees. The coat shall be of the House pattern with 4 buttons in front.

972 The badge for the shoulder and the pagri badge shall bear the letters B J D. Buttons, badges, whistles will be supplied by the House of Correction or the Central Prison Yeravda.

973 The Chief Head Warden of the Reserve Guard shall wear his sword whenever on duty. The shoulder-strap of Reserve Guard Warders shall bear the letters R. G.

974 The uniform for warders shall be the same as that prescribed in Rule 971 with the exception that no crown or chevron on the sleeve or fringe on the turban shall be worn.

NOTE.—The uniform prescribed in Rules 969 to 974 is what may be termed a full-dress uniform and it is left to the discretion of a Superintendent to make alterations for the every-day uniform.

975 Overcoats may be allowed for the use of warders actually on *watch* during the night. The special sanction of the Inspector General is necessary for the purchase of overcoats.

976 Native warders of all grades shall (except when armed with carbines in which case a bayonet and a bayonet frog shall be substituted for the baton and baton frog) carry a *babul* wood baton, 22" in length the diameter of which at the handle end shall be 1½" and at the thick end not more than 2". The baton shall have a leather loop attached to it. The handle of the baton shall be painted red and the remaining portion black.

977 Sandals subject to the reservation that in the Provinces of Sind what are known as Panjabi shoes, shall be worn by all native warders when on duty. Chief Head Warders and warders

of all grades in extra-mural prisons may, however, be permitted to wear boots after the pattern of the ammunition boot.

978 Every native warder shall carry a whistle attached to a small brass chain affixed to the third button-hole from the top of the coat. The whistle shall be placed in the pocket provided on the left breast of the coat, and shall be used for attracting attention between subordinate officials

979 Native warders of prisons shall carry a pair of spring handcuffs attached to the belt.

980. Umbrellas (black) may also be used by warders during the rains and in those places where the heat is excessive and the duty entails much exposure to the sun.

981 Haversacks made of white double dungree should be supplied to warders for the purpose of carrying their food when travelling on duty or when employed on extra-mural work.

982 Articles of clothing should ordinarily last as follows —

A warm coat or trousers	..	2 to 3 years.
A cotton coat or trousers		6 months.
A head dress		1 year
A set of chevrons	...	2 years.
A pair of boots or sandals		6 months
A set of buttons		5 years.

Any warder, who, after careful enquiry by the Superintendent, may be considered to have prematurely worn out any article of his uniform through neglect or carelessness should be called upon to make good the articles at his own expense.

983. On the resignation or dismissal of any member of the warder establishment the distinctive badges, belt and uniforms are to be delivered over to the Superintendent. The value of any articles belonging to Government not returned by any warder shall be deducted (at a fair valuation) from any salary that may be due to such warder.

984. It is not necessary that Jailors or Deputy Jailors when paying night visits, at unexpected hours, should wear uniform. Warders when not on duty shall not wear any portion of their uniform.

985. Batons, handcuffs, whistles, chains, umbrellas, belts badges and overcoats shall be classed as articles of dead-stock.

CHAPTER XXXIX.

UNDER-TRIAL PRISONERS.

Sections 31 to 33 of the Prisons Act.

986. Prisoners who are under trial shall be admitted on separate warrants signed by competent authority. On admission they shall be examined by the Medical Officer for marks of violence (Rule 250) On their conviction or discharge their

warrants shall be retained in the Prison Office—*vide* section 4 of Prisoners Act of 1900 (III of 1900).

987 The children, even if over two years of age of female under trial prisoners, may be admitted with the mothers if arrangements for taking care of them outside cannot easily be made. Such children shall, after the conviction of the mother, be dealt with as provided in Rule 1021.

988 Under trial prisoners shall not be allowed to crop their hair unnecessarily so as to alter their personal appearance and make it difficult to recognize them but their hair may be trimmed.

989 Whenever practicable prisoners accused of minor offences shall be kept apart from those accused of graver crimes, and juveniles from adults. To prevent the demoralization of the young in prison each juvenile prisoner shall if practicable, be provided with separate sleeping accommodation.

990 Prisoners under trial for *murder* shall be searched in the presence of the Jailor and, if necessary, their private clothing and other articles may be removed and they may be supplied with prison clothing and food in a cell.

991 Under trial prisoners as provided in Rule 990 shall be permitted to retain their own clothing, bedding and eating and drinking vessels but all money, jewelry and other articles shall be taken possession of by the Jailor who shall endorse a list of the same on the back of the prisoner's warrant. The list shall be signed by the prisoner and initialled by the Superintendent, Papers, etc., which shall the prisoner in his defence may be left with him. If the prisoner is acquitted his property shall at once be made over to him, but if convicted it shall be disposed of as provided in Chapter XXXI.

G. B. J. D.
No. 408,
dated 30th
August 1892.
Appendix—
Para. 32.

992 Under trial prisoners who are unable to supply themselves or who are not supplied by their friends with food, shall receive prison ration and when they have not sufficient clothing or bedding they shall be provided with the same from the prison stock. They shall be permitted to purchase food, books or newspapers at their own expense or obtain such from private sources subject to the provisions of Rule 80. If receiving prison diet they may supplement it by purchases. Nothing deleterious to health and no drugs or intoxicating liquor or objectionable publications shall be allowed. Tobacco shall only be permitted on the recommendation of the Medical Officer and at the expense of the prisoner.

G. B. J. D.
No. 408,
dated 30th
August 1892.
Appendix—
Para. 37.

993 The custody of under trial prisoners should be made as little irksome as possible. In their case no restraint beyond that absolutely necessary to prevent escapes or undue communication with persons, either within or without the prison, should be exercised. Obedience to authority must be enforced.

994 They shall be allowed exercise during the day and shall be required to keep their clothing and person clean and

shall conform to prison rules. At night they may be guarded by a convict officer, the officers so selected being those who are specially well behaved.

995 They shall be allowed, at hours to be fixed by the Superintendent and under proper restrictions, to interview and communicate with their friends and legal advisers in order to arrange for the conduct of their defence or provide for the management of their property. An under-trial prisoner may, if he so desires, consult with his pleader (at the same time his friend may be present) out of hearing, but not out of sight, of the prison officials. He shall be searched at the close of any interview. The letters and correspondence of an under-trial prisoner are subject to the same scrutiny as those of a convict. Beyond the interviews allowable as above in connection with the arrangements for an under-trial prisoner's defence it shall be entirely within the discretion of the Superintendent to allow, or to refuse to allow, an interview between an under-trial prisoner and any person who may attend at the prison for the purpose of seeing and conversing with such under-trial prisoner. The Superintendent may also withhold any letter addressed to, or sent by, an under-trial prisoner which he may consider objectionable.

996 Under-trial prisoners, who have tampered with the rules for the good order and management of the prison, may be refused any of the privileges allowed by these rules, the fact being noted by the Superintendent in Register No. 12.

997 Every under-trial prisoner shall be provided with a ticket on which shall be entered the date of his arrest, the nature of his crime, the date of his arrival in prison, and the date of each subsequent examination and remand.

998. Prisoners, whose cases are being inquired into by a Magistrate, must be brought before the Magistrate at least once in fifteen days for the purposes of remand. Upon the expiry of each period of remand the prisoner should be again placed before the Court.

999. When an under-trial prisoner, who is not already undergoing a sentence of imprisonment, is being escorted to and from Court by the Police, he should not be secured by handcuffs, except when there is a reasonable expectation that he will use violence or attempt to escape, or that an attempt will be made to rescue him.

1000 Magistrates and Superintendents of Police should intimate to the Prison authorities the fact of the admission of any under-trial prisoner in whose case special precautions are necessary. An approver, who has been granted a pardon under section 337 (1), Criminal Procedure Code, and is committed to jail under section 337 (3), should invariably be confined separately from the accused in the case. The subsistence money and railway fare of under-trial prisoners discharged by trying Courts shall be borne by such Courts.

1001 In any case when any under-trial prisoner is so seriously ill as to be likely to die the Superintendent shall report the circumstances to the Magistrate or if the prisoner is awaiting trial before the Sessions Court to the Sessions Judge, in order that if the law permits and the Court thinks it proper, the prisoner may be released on bail.

Note—Chapter XXI applies to under-trial prisoners and Rules 351, 353, 354, 357, 431, 710, 792, where they do not conflict with the rules contained in this chapter also apply to this class of prisoners.

CHAPTER XL

PRISONERS SENTENCED TO SIMPLE IMPRISONMENT

Section 96 of the Prisons Act

1002 Every simple imprisonment prisoner shall on admission into prison be thoroughly searched, and all money, jewellery, papers, letters and any other property other than the clothes he is wearing shall be taken from him (Rules 354, 355 and 356)

1003 If any prisoner sentenced to simple imprisonment for an offence involving no moral turpitude is considered by the District Magistrate to be a first class misdemeanant for whom exceptional treatment, in regard to separate accommodation, is desirable he shall refer the matter to the Inspector General. If the Inspector General agrees with the Magistrate's recommendation he shall make such arrangements as he thinks proper for providing separate accommodation for the prisoner. If he does not agree with the Magistrate he shall refer the matter to Government for orders. O. R. J. D.
No. 761 of
6th May 1891

1004 Prisoners sentenced to simple imprisonment shall, as far as practicable, be kept separate from other prisoners and shall not be permitted to loiter or lounge about the prison. They shall be subjected to a minimum amount of severity consistent with the maintenance of order and discipline in the prison, and shall be exempt from having their hair cut or shaved unless they desire it or it is necessary on account of vermin or disease. In the latter case the Medical Officer shall record the reasons in Register No 31. They shall be exempt from wearing the body ticket.

1005 They shall be supplied with the same blankets, bedding, pots and plates as labouring prisoners. They shall clean their own wards and wash their own clothes, if required to do so, and shall keep their clothing and bedding neatly arranged and folded according to order, but they are not to be called upon to perform any menial duties for others or duties of a degrading character.

1006 They may be allowed books (*vide* Rule 488) and writing materials which will be supplied by the Prison authorities. Such indulgences may be prohibited by the written order

of the Superintendent if a prisoner is found extending or attempting to extend them to other prisoners or if, in the opinion of the Superintendent, the prisoner is misusing them.

1007. They shall not be required to labour save as provided for in section 36 of the Prisons Act. They may, however, be permitted to labour, if they desire to do so, and shall in that case be given the benefits of the Remission System, if eligible by length of sentence, and shall be allowed labouring diet. If they elect to labour, the work selected by them must meet with the approval of the Superintendent, and they shall not be punished for failure to execute a task. (Rule 508)

1008. They may be compelled to take walking exercise for not more than an hour in the morning and an hour in the evening, if the Superintendent and Medical Officer consider it advisable.

1009. They may receive visits or communications from their friends once in three months or oftener at the discretion of the Superintendent, that is, if they have not been punished for breaches of prison discipline during the interval

NOTE—Nothing in the rules in this chapter shall be held to exempt this class of prisoners from the observance of the prison rules regarding order, cleanliness and sanitation.

CHAPTER XLI.

FEMALE PRISONERS

Sections 24 (3) and 27 (1) of the Prisons Act.

1010. The search of female prisoners on admission shall be carried out by the matron, or by a female convict officer, or by the wife of a member of the warder establishment.

G. R., J. D.,
No. 4067,
dated 12th
June 1900.

G. R., J. D.,
No. 5417,
dated 3rd
October 1890

1011. Every admission into Prison of a female transported for life, for infanticide, or for causing miscarriage or abortion, shall be reported immediately to the Inspector-General for the orders of Government. A copy of judgment should accompany the report and it should be stated whether the prisoner has appealed or not. Cases in which step-children have been murdered shall not be reported to Government. Only those cases in which the death of the infant has been caused by its mother immediately or very shortly after birth are to be reported to Government

G. R., J. D.,
No. 2159,
dated 8th
April 1893,
para. 10

1012. The hair of a female prisoner should not be cut except when the Medical Officer deems it requisite on the grounds of health and cleanliness. Bráhmín widows, who when admitted have their heads shaved on account of widowhood, may have them shaved again should they desire it

1013. If practicable, female prisoners, except those sentenced to transportation or long term habitual criminals, shall, as a rule, be retained in the prison of the district to which they belong.

1014 No female prisoners during the terms of their imprisonment are to be allowed outside the door of the female prison except to be released, or under the special orders of the Superintendent in writing. They are not to be taken to the prison office to have their property verified, the results of appeals communicated to them, or letters read. This must be done in the female prison.

1015 No male subordinate of the prison establishment is to be permitted to enter the female prison except in the company of the Jailor or matron or as provided in Rule 1017.

1016 No male prisoner shall be allowed to enter the female prison, all menial duties connected therewith must be carried out by the female prisoners them selves and all refuse matter, etc., where necessary placed at stated hours outside the female prison to be carried away by male convicts under the supervision of a warder.

1017 In prisons where there are no female prisoners of a menial caste the conservancy work shall be performed by male convicts under the charge of a warder. In such cases if there is a female on the establishment of the prison she should be present; if not, a second warder or some other prison official should accompany the warder in charge of the convicts.

1018 It should be so arranged that whenever the female prison is opened, except by the matron, two prison officials shall be present.

1019 In the event of the admission of a female prisoner who at the time of conviction has a child at the breast, or to whom a child is born while in prison the child may be allowed to remain with the mother until the former is two years of age, when the child must be removed unless the mother is to be released soon after. (Rule 60.)

1020 Superintendents may, under exceptional circumstances, admit a child above two years of age with its parent, if the latter has been sent to prison, reporting each instance through the District Magistrate for the orders of the Inspector-General.

1021 Children of prisoners sentenced to death, or children who have to be removed from prison on attaining the age of two years, are to be made over to their nearest relatives, but where such cannot be found, the District Magistrate shall arrange for maintenance and care of such children.

1022 District Magistrates shall make the best arrangements they can regarding such children by placing them in some institution or by entrusting them to some respectable persons to bring up, and they may make a moderate allowance for their maintenance. The same procedure should be followed in the case of female prisoners dying in prison and leaving young children whose relatives cannot be found.

1023. The children of female convicts transported to the Andamans may, if under two years of age, accompany their mothers.

1024. Female convicts are not to be employed on grinding grain, except as a punishment.

1025. The Magistrate of the district from which a female convict comes is to be informed, a fortnight previously, of the date on which she is to be released, so that he may let her friends know with the view of her being met by them on release, or her friends may be communicated with direct.

1026. Female convicts, when their sentences have expired, shall be released immediately they are taken out of the female prison and shall not be allowed to loiter about the prison office or grounds.

CHAPTER XLII.

JUVENILE PRISONERS.

Section 27 (2) of the Prisons Act.

G. R., J. D.,
No 924,
dated 19th
February
1889

G. R., J. D.,
No 2159,
dated 8th
April 1893,
para. 11.

G. R., J. D.,
No 2229A,
dated 31st
March 1894,
para 11 of
preamble.

1027. If any juvenile prisoner, under fifteen years of age, is sentenced to undergo imprisonment in a prison, the Superintendent shall bring the matter to the notice of the District Magistrate under section 10 of the Reformatory Schools Act of 1897.

1028. The question as to whether a prisoner, whose age is doubtful, is to be treated as a juvenile, shall be decided by the Superintendent in consultation with the Medical Officer. No statement contained in the warrant shall be considered by any Jail authority as conclusive as to the age of the offender.

1029. Separate accommodation shall be provided for juveniles and they shall be divided into two classes—

- (1) Those who, in the opinion of the Medical Officer, have attained puberty, and
- (2) those who have not.

1030. Juvenile prisoners shall be employed on some simple and useful handicraft according to age and fitness, and they shall occasionally be sent to work in the garden in charge of a warder.

1031. They shall attend school daily, except Sundays, for instruction in the vernacular and arithmetic.

1032. Such books shall be chosen as convey useful knowledge and have an improving tendency. The purchase of books, slates and pencils requires the sanction of the Inspector-General, and they shall be charged for under the sub-head F.—Miscellaneous Services and Supplies (Rule 488).

1033 If there are ten or more juveniles in a prison they shall occasionally be given simple drill or some gymnastic exercise, with a view to their physical development

1034 Care shall be taken, when a juvenile prisoner is released, that he is either handed over to his friends or sent direct to his home. If he has no friends the Superintendent shall endeavour, as far as lies in his power to give the boy a start especially if he is a lad who is desirous and likely to improve his future career

1035 When a juvenile is admitted into a District Prison with a sentence in excess of one month the Superintendent shall submit a nominal roll of such prisoner to the Inspector-General for orders as to whether such juvenile should remain where he is or be transferred to some more suitable prison

1036 The admission of a girl under 15 years of age sentenced to three months and over in any prison save the Central Prisons of Yeravda and Ahmedabad, the Special Prisons of Thana and Aden, and the Sind Prisons, shall be reported to the Inspector General of Prisons with a view to her transfer to the Special Prison of Thana

CHAPTER XLIII

PRISONERS SENTENCED TO TRANSPORTATION

Section 92 of Prisoners Act III of 1900 and section 57 of Act IX of 1894

1037 Prisoners sentenced to transportation shall be kept in the prisons, to which they have been committed on sentence being passed until their appeals have been decided or the period allowed for appeal has elapsed and their papers are complete, and until orders for their removal are issued by the Inspector General

1038 In every case in which a convict sentenced to transportation for life is declared unfit for deportation and is therefore detained in India a nominal roll together with a forwarding letter and copy of finding shall be submitted to Government through the Inspector-General when the term of imprisonment undergone together with remissions earned has reached 14 years

NOTE 1.—This does not apply to convicts sentenced by the Court of the Resident, Hyderabad. In these cases the papers should be sent through the Inspector-General to the Resident.

NOTE 2.—See note to Rule 506.

1039 Permanently unfit life and term transportation prisoners may at the discretion of the Superintendent be employed on any intramural labour but special care shall be taken for their safe custody. Such prisoners may after

G. B., J. D.
No. 3048 of
29th April
1898

completing half then sentence be employed extramurally, and they may also be employed as convict officers according to rules.

1010 Female prisoners sentenced to transportation shall be employed on suitable labour inside the female ward.

G R J D,
No. 210,
April 1875
May 1875

1011. On the admission into a prison of a male prisoner who is under 18 years of age and who has been sentenced to transportation for life, or of a female prisoner who is under 18 years of age and who has been sentenced to transportation for a term or life, or of a female under sentence of death or transportation for life for infanticide, a report accompanied by a nominal roll in Form No 117 and a copy of the prisoner's warrant, also a copy of judgment in the case, shall at once be forwarded to the Inspector-General of Prisons. *Such report shall state whether the prisoner has or has not appealed to the High Court (the Sadar Court in Sind) or Government*

1012 A return in Form No. 71 of the number of male convicts under sentence of transportation for *life* and of female convicts under a sentence of transportation, both term and life, shall be furnished to the Inspector-General at the close of each quarter by all Superintendents with the exception of those entered in the margin

Superintendents of the—
Yerwada Central Prison
Ahmedabad Central Prison
Hyderabad Central Prison
Poona and Sind Gaols
Thana Special Prison

1013 If the Superintendent is of opinion that for special reasons it is desirable that any prisoners sentenced to transportation, who are unfit for deportation, should be transferred to a prison in another district he shall on the 1st September submit a return in Form No 71 of such prisoners. This return shall be prepared on a separate form from that referred to in Rule 1012 and shall be marked with red ink on the first page "Special Roll," and on the fourth page of the form the reasons why the transfers are recommended shall be stated. It is, of course, open to a Superintendent, in the event of his being of opinion that an immediate transfer of any prisoner sentenced to transportation but unfit for deportation to a prison in another district is called for, to at once address the Inspector-General

healthy prisoners in an Indian prison. Convicts who although of inferior physique, are not suffering from any organic disease and those suffering from goitre, hydrocele, varicose veins or similar minor complaint, except in an aggravated form, shall not be rejected as unfit for deportation.

No convalescent prisoner who has suffered from fever, dysentery or lung disease shall be deported to Port Blair till he has performed ordinary labour and has maintained good health for at least three months subsequent to his illness.

H. D., Port Blair No. 504, dated 10th June 1906

1015. No convict shall under any circumstances be deported who may be suffering from the following diseases, viz:—

G. R., J. D., No. 2211, dated 14 April 1896.

- (1) Blindness of both eyes to such an extent as to interfere with the performance of ordinary labour
- (2) Insanity or when the records of the case or the prisoner's history, so far as known indicate weakness of intellect or a predisposition to insanity or abnormality of temperament amounting to such a condition, that person should not be passed as fit for deportation even though the legal plea of insanity may not have been established
- (3) Idiocy
- (4) Leprosy
- (5) Phthisis pulmonalis
- (6) Epilepsy
- (7) Paralysis of one or both legs
- (8) Elephantiasis of both feet
- (9) Diseases of the heart

G. R., J. D., No. 780, H. D., Port Blair dated 29th October 1910.

NOTE.—It is obvious that a convict who has lost an arm or a leg is not a fit subject for deportation.

1017. When practicable, in instances in which men convicted in the same case or who have been associated in crime are sent to Port Blair on different dates, the Superintendent Port Blair, should be informed of the fact at the earliest date possible.

1018. The private clothing of prisoners who are to be deported shall be sold and the proceeds credited carried to their accounts. Only jewellery and cash and religious books shall accompany prisoners to the Andamans.

1019. The following documents shall accompany each prisoner who is to be deported —

G. R., J. D., No. 4372, dated 13th August 1890; and G. R., No. 1563, dated the 25th Feb. 1899.

- (1) The original warrant or warrants of each convict, together with any orders on appeal and intimation of recovery of fines, etc.

NOTE.—On the warrant shall be endorsed the amount of remission that the prisoner has earned up to the date of transfer and in the case of fines inflicted by Courts, recoveries of such fines; and also the date of transfer to Thana. If after deportation of a prisoner intimation of recovery of fine is received, such shall be forwarded to the Superintendent Port Blair and Nicobars through the Superintendent, Thana Prison, with a covering letter in English. The intimation, if in the vernacular shall also be translated.

(2) Nominal roll—form supplied on application to the Inspector-General of Prisons.

NOTE—Nominal rolls relating to prisoners sentenced to transportation with detailed accounts of crimes and previous history of the convicts shall be sent to the prison authorities by the District Superintendent of Police as soon after the prisoners are sentenced as possible. Sessions Judges should arrange that copies of judgment in such cases may be sent to the Superintendent of Prisons concerned as soon as the appeal of such prisoners are decided. These orders are also applicable to the Clerk of the Crown and to the Commissioner of Police, Bombay (G R, J D, No 4135, dated 15th June 1898). Crime rolls in which the entries in column 4 do not satisfy the requirements of the Port Blair authorities shall be sent to the Inspector-General of Prisons for revision (G. R., J. D., No 2650, dated 16th May 1906).

(3) Descriptive roll—form supplied on application to the Inspector-General of Prisons.

G R., P D.,
No 6918,
dated 6th
November
1890.

NOTE—In the case of a life prisoner, below the date entered in column 13 of this roll, the words "Sentence calculated at 20 or 25 (as the case may be) years shall be entered. In column 21 the words "Fit for deportation" and any other remark

- 1 One warrant from Sessions Court dated
 - 2 One writ fr m Sessions Court dated
 - 3 One G. R., J. D., No , dated
declining to interfere with sentence
 - 4 One G. R., J. D., No , dated
withholding petition of Government of India
judgment
 - 5 One copy of newspaper cutting
 6. One nominal roll (account of crime, etc.)
- In the case of Native State prisoners in place of entries 2 and 3 —
One G. R., P. D., No , dated ,
rejecting petition

the Medical Officer may desire to make shall be entered by that officer. In the case of a prisoner belonging to a Native State an entry shall be made in column 22 showing to what State the cost of maintenance is debitable. On the back of this roll shall be stated (after the manner shown in the margin) the number of warrants, appeal orders, orders on petitions and any other similar documents that accompany the prisoner. In cases of enhancement or revision of sentence the fact

shall be stated on the reverse of this roll. On the back of this roll shall be recorded a list of jewellery and the amount of cash belonging to the prisoner, and in the case of a female prisoner it shall be stated whether she is single, married, widow or divorced

(4) Copy of judgment.

NOTE—This should only be applied for, for such convicts as are likely to be deported and only be supplied after the appeal has been decided or the period allowed for an appeal has elapsed (*vide* Circular No 5855, dated 22nd December 1892). In cases in which more than one convict has been sentenced in the one trial, only one copy of judgment need be forwarded to Port Blair with the first prisoner or the first batch of prisoners, the attention of the Port Blair authorities being invited to this copy of judgment when any of the other prisoners are deported. But a second copy should also, in such cases, be furnished to and retained by the Jail authorities for purposes of reference when examining other convicts sentenced in the same case with a view to passing them as fit for deportation (G R, J. D., No 5096, dated 24th September 1906). If a convict pleads guilty to a charge of murder and no judgment is recorded, the case is to be reported to the Inspector-General of Prisons (J D letter No. 3521, dated 3rd July 1908).

(5) List of Government clothing and property, Rule 1059.

(6) A nominal roll in Form No. 117 (required for Departmental purposes).

1050. The documents prescribed in Rule 1049 are all the papers that are required to accompany prisoners who are being forwarded to the Thána Prison for deportation.

NOTE.—To prevent, as far as practicable, the documents accompanying transportation prisoners from being crushed, all papers should be folded lengthwise, i. e., half foolscap size, and enclosed in a strong cover.

1051 Transportation prisoners shall as a rule, travel by ordinary trains, but if a batch of transports is being moved and if such convicts cannot reach their destination either without a lengthened detention *en route*, or between the hours of 4 A.M. and 4 P.M. if travelling by ordinary trains mail trains may be used for their conveyance, but only if such trains either have no lengthened detention *en route* or reach their destination at a more convenient hour

G. R., J. D.,
No. 3748,
dated 21st
April 1895

1052. Specially constructed prison vans shall be used for the conveyance of transportation prisoners from Thāna to Madras

1053. The responsibility for the completeness of documents and for the physical fitness of convicts will rest with the Superintendent in the one case and with the Medical Officer in the other

1054 The warder who accompanies a party of transports shall have charge of the prisoners' warrants and other documents and property, and shall arrange for the dieting of the prisoners on the road, but he shall not interfere with the arrangements for the security of the prisoners for which the officer in charge of the escort is responsible

1055 It is unnecessary for a warder to accompany a party of transportation prisoners if such party does not consist of more than ten including the escort. When a warder does not go with the party, the papers, property, etc., of the convicts should be made over to the senior officer of the escort. In case of such official refusing to take over the papers, etc. of the prisoners, a warder may be sent and the fact reported to the Inspector-General

1056 The Superintendent of the Thāna Prison shall, on receipt of intimation from the Madras Prison authorities, inform the Inspector General of the date on which it is necessary that all the convicts who are to be deported should reach Thāna. The Government of India have ruled that convicts may be deported to Port Blair throughout the year and that not more than 25 per mail should be sent from Madras

G. R., J. D.,
No. 5251
dated 3rd
August 1896
The G. R., J. D.
No. 2325
dated 20th
April 1911

1057 Transportation prisoners who are received into the Thāna Prison for deportation shall be confined in a separate ward and arrangements shall be made for their deportation with the Madras Government and Port Blair Authorities.

G. R., J. D.
No. 2325
dated 20th
April 1911

1058 The Superintendent of the Thāna Prison shall report any case in which prisoners are received with their papers incomplete

1059 The Superintendent of the Thāna Prison shall provide each native convict proceeding to Port Blair with the following outfit of Port Blair regulation pattern :—

(a) *For Males*

- Two waistcloths (dhotis)
- Two coats with sleeves (kurtas)
- One blanket coat

(b) For Females.

Two saris
Two kurtis.

(c) For Males and Females.

Two country blankets.
One bedding.
One plate (thali).
One drinking cup (kutura).
Two gumchas.

NOTE —A gumcha is a piece of cotton cloth measuring about 7 feet 3 inches long and 1 foot 10 inches wide.

1060. When a party of prisoners is sent from the Thána Prison to Madras for deportation, a nominal roll in Form No 117 of the convicts deported shall be forwarded by the Superintendent of the Thána Prison to the Inspector-General of Prisons, Bombay

1061 Any charges which may be incurred by the Superintendent of the Thána Prison in providing outfits and transport for transportation prisoners between Thána and Port Blair shall be paid by the Thána Prison. The Superintendent of the Thána Prison shall, however, on the 1st December of each year intimate to the Superintendents of the several prisons, from which transportation prisoners have been received for deportation, the proportionate share of the expenses that will have to be shown in the Annual Tabular Statements

G. R., P. D.,
No 37, dated
the 6th January
1890

1062. Whenever any prisoner sentenced in a Native State, for whose maintenance in a British prison the Native State is charged, is transported to the Andamans, information of the deportation shall be communicated to the Resident of such State.

CHAPTER XLIV.

PRISONERS SENTENCED TO DEATH

(Section 30, Prisons Act.)

1063 Every prisoner sentenced to death shall, immediately on arrival in the prison, be searched by, or in presence of, the Jailor.

1064. The prisoner shall be stripped, and every article in his possession taken from him, and shall be dressed in prison clothes, the Jailor shall then carefully inspect the prisoner and satisfy himself that no article remains in his possession with which he can either do himself harm or effect his escape. With a view to lessen the risk of suicide on the part of the prisoner, Cawnpore blankets—known as bariack blankets—shall be substituted for those of inferior manufacture and earthen vessels

for zinc pots and plates. He is not to be fettered except for special reasons, such as an insecure cell or violence

If a Parsee be sentenced under a sentence of death a specially thin "kusti" can be obtained from the Secretary, Parsee Panchayat, Bombay. This kusti before issue should be soaked in strong chunam water so that it may break on the least strain

1065 Every prisoner condemned to death shall be confined in a separate cell, which shall be carefully examined by the Jailor. In the morning and evening—i. e. immediately after the opening of the prison in the former and after its closing in the latter case—the prisoner shall be searched in the presence of the Jailor and the police sentry

1066 At night time a lamp shall be kept burning so as to throw a light on the prisoner. The key of the cell shall remain in the possession of the police sentry on duty, so that he may have it in his power to enter the cell in case of a sudden attempt at suicide on the part of the prisoner

1067 Every condemned prisoner shall be made over to the charge of a special police guard, who shall keep him in sight day and night, and shall not permit any one to go near the prisoner without the permission of the Superintendent or Jailor

1068 In the case of females sentenced to death, Super G. R., J. D. No. 5601 dated 23th August 1891 and G. of L. Home Dept. Judicial letter No. 1270 of 40th August 1900
intendants may, with the sanction of the Inspector-General of Prisons, temporarily employ female warders to look after the convict. If the Medical Officer considers a condemned female to be pregnant the matter shall at once be brought to the notice of the Inspector General of Prisons for the orders of Government and the capital sentence shall not be carried out before the orders of Government are received. Unless the condition of pregnancy is beyond doubt the Medical Officer should ask for a further and independent inquiry. When a prisoner under sentence of death develops insanity after conviction and sentence, the capital sentence shall be postponed and the case reported to the Inspector General. The documents noted in Rule 1121 should accompany the report

1069 The police sentry is simply provided to enable the prison officials to carry out more effectually the necessary measures for the safety of the criminal, but the presence of the police sentry in no degree relieves the prison officials of their responsibility for the due enforcement of the prison rules

1070 The police sentry over a condemned criminal is under the orders of the Prison Superintendent, in so far as the former's charge of the prisoner is concerned

1071 The police sentry shall be armed with a baton or heavy bamboo lathi, and not with a musket or bayonet

1072 When there are two or more condemned prisoners confined in a prison in cells apart, i. e., at some distance from

one another, a separate guard of one head constable and four constables shall be placed on each cell, but when the cells are contiguous, *i. e.*, placed along side of one another, it will be sufficient to post one sentry over two cells, who will be responsible for the two condemned prisoners under his charge. In excess of two cells, and under five cells, an extra guard of one head constable and four constables will be given, even where the cells are contiguous

1073. Prisoners under sentence of death shall be allowed the ordinary diet of a labouring prisoner, but no sweetmeats or extra diet of any kind, except on the recommendation of the Medical Officer. Rules 596 and 607

1074. Prisoners sentenced to death may, on the recommendation of the Medical Officer, be allowed exercise in the open air and within the prison walls morning and evening, under the care of the police guard. They may be fettered or handcuffed when taking exercise

1075. Prisoners under sentence of death may be visited once or oftener by their relatives, friends and legal advisers. The interview shall take place in the presence of the Jailor or Deputy Jailor, and during the interview the prisoner and his friends or legal advisers should not be allowed to approach each other. A condemned prisoner may also be visited by a minister of the persuasion to which he belongs. Rule 828.

1076. Immediately on receipt by the Jail Superintendent of a warrant for execution, consequent on the confirmation by the High Court of a sentence of death, the Superintendent shall inform the convict concerned that if he desires to submit a petition for mercy to the Governor in Council, such petition must be submitted in writing in time for it to be despatched within five days from the time when such information is given to the convict. If the convict fails to present a petition within the prescribed period, the law must take its course on the date fixed.

NOTE.—No criminal sentenced to death shall be executed on a day which has been notified as a public holiday (G. R., J. D., No. 5086, dated 28th September 1909).

1077. If the convict submits a petition addressed to the Governor in Council within the period prescribed by Rule 1076 the Superintendent of the Jail shall forthwith despatch it to the Secretary to the Local Government, Judicial Department, together with a covering letter reporting the date fixed for the execution, and shall certify that the execution has been stayed pending receipt of the orders of Government on the petition. If no reply is received within 20 days from the date of the despatch of the petition, the Superintendent shall telegraph to the Secretary to Government, Judicial Department, drawing attention to the fact, but he shall not carry out the execution before the receipt of the Local Government's reply.

NOTE.—Petitions from convicts under sentence of death, which may have to be forwarded to Government by post, should be transmitted by registered post (G. R., J. D., No. 1850, dated 12th March 1900)

1078 In the event of the convict submitting a petition addressed to the Governor in Council after the expiry of the period of five days prescribed in Rule 1076, the Superintendent shall forward the petition to Government in the manner described above and shall at the same time telegraph the substance of the petition, but shall not delay the execution of the sentence, unless specially ordered by the Local Government.

1079 If the petition for mercy received under Rule 1076 is rejected by the Governor in Council, the Superintendent of the Jail, on receiving an intimation to that effect, shall at once fix a fresh date for the execution of the sentence, which shall, however, be not less than five days nor more than seven days after the date on which he receives the orders of the Local Government declining to interfere, but shall in no case be earlier than the date already fixed.

1080 If the convict submits a petition for mercy addressed to the Governor General in Council, or to the King Emperor, the Superintendent shall at once forward it to the Local Government and shall at the same time telegraph substance of the petition and the date of execution to the Local Government.

He shall not further postpone execution unless specially ordered by the Local Government.

1081 In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty anything in the foregoing rules notwithstanding to report the circumstances by telegraph to the Local Government and ask for its orders, and, if necessary, to defer execution till they are received.

NOTE.—Where a convict has been sentenced to death by a Court subordinate to another Local Government or Administration, Rules 1078—1080 should be followed with the exception that the Superintendent shall communicate direct with the Local Government or Administration concerned.

1082 The Superintendent shall at once report back to the Secretary to the Local Government in the Department concerned telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

1088 All executions shall take place at the prison to which the warrant is directed unless expressly ordered otherwise in the warrant. They shall usually be carried out in a special enclosure attached to, or within the walls of the prison. To this enclosure adult male relatives of the prisoner and other respectable adult males may be admitted as spectators up to a maximum of twelve, with the permission of the Superintendent or other suitable authority, who shall have full discretion to refuse admission altogether, or to particular individuals in cases where he considers the circumstances to justify such a course.

The prisoners in the prison shall not be made to attend an execution, save in the case of an execution arising out of a capital offence committed by one of their number—when undergoing a lesser sentence—either within or without the prison walls. In such cases it shall rest with the Superintendent to determine what prisoners shall be selected to witness the execution.

1084. If orders are received from Government, or from the sentencing Court, that the execution of a criminal shall be carried out on the scene of the crime or elsewhere the Superintendent shall arrange that the Jailor or Deputy Jailor be present. The early morning should be the time selected for an execution.

If orders are received from Government that publicity shall be given to the execution of any prisoner carried out within the jail precincts, the Superintendent shall notify the fact of the execution to the District Magistrate, who shall then cause it to be proclaimed by beat of drum in the village or locality in which the crime was committed and shall cause a notice to the following effect to be posted in the village *chowra* —“A B, convicted of the murder of C. D., was hanged on the at Jail. Let all evil-minded persons take warning.”

NOTE —For sentences passed by Court Martial, *see* G. R., J D, No. 6049, dated 7th September 1898.

G. R., J D,
No 2159,
dated 8th
April 1893,
para 12.
(G. R., J D,
No 5469,
dated 6th
August 1894.)

1085 The Superintendent, Jailor and Medical Subordinate shall be present at all executions carried out in the vicinity of the prison. A Magistrate shall also be present. It is not necessary for the Medical Officer, when not the Superintendent, to attend unless specially required to do so by the Superintendent. The Medical Officer shall, however, examine the body of the criminal before it is removed from the scaffold and shall certify that life is extinct. The body shall hang for one hour and shall not be taken down before the Medical Officer has declared life to be extinct.

1086 The gallows shall be erected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule a bag of sand weighing 120 pounds and dropped between 6 and 8 feet will afford a safe test of the rope. Two spare ropes for each condemned prisoner shall be kept ready in reserve on the scaffold in the event of accidents.

1087. Regarding the length of the drop to be given to a condemned prisoner:—

- (a) If the prisoner weighs less than 100 lbs he should be given a drop of 8 feet:
- (b) If the prisoner weighs from 100 to 133 lbs. he should be given a drop of 7 feet 6 inches:

- (c) If weighing more than 133 lbs but not more than 160 lbs he should be given a drop of 7 feet
- (d) If weighing more than 160 lbs but not more than 200 lbs he should be given a drop of 6 feet 6 inches ;
- (e) If weighing more than 200 lbs. he should be given a drop of 6 feet ;

Provided that so long as the extreme limits of 6 feet on the one hand and 8 feet on the other are altered to if owing to any physical peculiarity of the prisoner the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's view

1055 Regarding the fixing of the rope to allow of a given drop, the following measures should be adopted. The height of the condemned prisoner to the angle of the jaw immediately below the left ear should be accurately measured, as should also be the height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed. These two measurements will determine the distance when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoner's neck should also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the convict has been sentenced to death. The length of rope for any given drop should be the length of that drop $\frac{1}{2}$ the distance from the angle of the condemned prisoner's jaw to the ring in the beam. That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 4 feet and the desired drop to be 7 the amount of free rope hanging from the ring should be 11 feet from that ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the condemned prisoner

1059 When the condemned criminal is taken from his cell his hands shall be pinioned behind his back, and the Superintendent and Jailor shall then identify the convict by a reference to the prison registers as the individual named in the warrant. The Superintendent shall read over the warrant aloud in English and it shall be translated into the vernacular (if the convict does not understand English thoroughly) by the Jailor or other prison official

1090 If there be no relations or friends willing to perform the last offices for convicts who have undergone the last sentence of the law their bodies shall be burnt or buried at some spot adjacent to the place of execution by the hands of convicts. If the relatives or co-religionists of an executed convict are willing to undertake the cremation or interment, they shall be permitted to do so on the understanding that the last rites are performed in a perfectly private manner without any procession, pomp, public demonstration, or any kind of display

1091 A police guard of not less than twelve constables and two head constables shall be present at every execution. The Superintendent of Police will supply the guard on application.

1092. A report shall, immediately after each execution, be made to the Inspector-General in Form No 98 and the warrant duly endorsed shall be returned to the Court which issued it.

1093 No prisoner, under sentence of death, shall be removed, under Part IX of the Prisoners Act III of 1900, from the prison in which he is confined without the special sanction of Government provided that such prisoner may be removed from the prison without such sanction, if his attendance is formally required by a High Court or a Court of Session for the purpose of taking any additional evidence, under section 428 of the Code of Criminal Procedure, 1898.

CHAPTER XLV

EUROPEAN AND EAST INDIAN PRISONERS.

1094. On the admission into any prison, except those of Yeránda, Ahmedabad, Hyderabad, Karáchi and the House of Correction, of a European British subject as a convict for any period in excess of fifteen days, a nominal roll in Form No. 117 with any remarks that the Superintendent may consider necessary, shall be forwarded to the Inspector-General.

1095. Every male prisoner shall sleep in a cell by himself, but sick prisoners in hospital, or prisoners requiring assistance or supervision at night, may at any time, on the recommendation of the Medical Officer, be placed in association wards.

1096 Prisoners shall keep their cells, utensils, clothing and bedding clean and neatly arranged. Convicted prisoners shall do the same, and shall sweep the yards, passages and other parts of the prison as may be directed.

1097. The scale of diet for European and East Indian prisoners is given in Chapter XXIII and the allowance of clothing in Chapter XXIV

1098. Any convict who is required to work in his cell shall be allowed to take such exercise daily, in the open air, as the Medical Officer considers necessary.

1099. Every Christian prisoner confined in the European cells, who can read, shall be furnished, during his incarceration, with a Bible and Prayer Book of the denomination to which he belongs should he desire to have the same. These books may be kept with the prisoner.

1100. European prisoners, if there is a library in the prison, may be allowed books from it under such conditions as the Superintendent may deem necessary. (Rule 488.)

1101 The labour of European prisoners may if there is no other suitable labour available be regulated as follows—one hour of shot drill or treadmill in the morning and in the evening and labour in cells during the day. This shot drill shall not be regarded as a prison punishment.

1102 The following rules are laid down for the transfer to the United Kingdom or to a British possession of soldiers not enlisted in India who have been convicted by Civil Courts and discharged from the Army—

G. R., J. D.,
No. 18—
dated 31st
March 1900

1. On receipt in Prison of a military prisoner not enlisted in India who has been convicted by a Civil Court it should be ascertained without delay whether his discharge from the Army has been ordered.

2. All such prisoners, who are to be so discharged, should, whenever possible, be removed from India, under the provisions of the Colonial Prisoners Removal Act 1884, during the trooping season in which their sentences expire, or if their sentences expire between the end of one trooping season and the beginning of the next, during the season previous to the expiry of their sentences. In the latter case they should be sent, if possible by the last troopship sailing at the end of the trooping season.

3. Cases may, however, occur in which it is impossible to arrange for deportation under the Act either because the whole term of the sentence falls between the close of one trooping season and the opening of the next or because the sentence itself or the period between the date of sentence and the closing of the trooping season is too short to admit of the necessary formalities being carried out. In such cases prisoners cannot be compelled to leave British India on release, but if they do not object to do so, they should be transferred to the House of Correction Bombay shortly before their sentences expire and on completion of sentence they should be provided with a passage by a private vessel and unostentatiously seen on board. If they refuse to quit India, they must ordinarily be released from the Jails of the province in which they have been convicted.

4. Prisoners dealt with under Rule 2 and such of those referred to in Rule 3 who do not object to quit India should be transferred under the authority conferred on Local Governments by the general orders under section 20 (1) of the Prisoners Act, 1900 (III of 1900) laid down in the resolution of the Government of India in the Home Department, No. 446-58, dated the 8th August 1901, from the prison in which they are confined to the House of Correction, Bombay. In the case of prisoners dealt with under Rule 2, the transfer should be effected not less than three months before the end of the trooping season or before the expiry of sentence, as the case may be. When the sentence is less than three months, the transfer should be made as soon as possible.

5. In the case of prisoners referred to in Rule 2 'Local Governments in directing the transfer, under the 'general orders referred to in Rule 4, should make an order remitting the residue of the sentence with effect from the date of disembarkation in the United Kingdom' or in the British possession to which the prisoner is removed. This order should be communicated to the Government of Bombay at the time of advising the prisoner's transfer. The earliest possible intimation should also be given to the Government of Bombay of the date on which the prisoner may be expected to arrive in Bombay and of the date and term of his original sentence.

6. In the case of prisoners dealt with under Rule 2, the following procedure should be observed —

(a) Four months before the end of the trooping season or before the expiry of the prisoner's sentence, as the case may be, or in the case of shorter sentences as soon as it has been ascertained that the prisoner is to be discharged, a request should, without delay, be made to the Government of India who will proceed to obtain the Secretary of State's orders for the prisoner's removal under sections 2 (b) and 5 of the Colonial Prisoners Removal Act, 1884 (47 and 48 Vict., cap 31). A copy of the despatch from the Government of India will be forwarded simultaneously to the Government of Bombay.

The Secretary of State will communicate the order of removal direct to the Government of Bombay who will thereupon draw up in duplicate or in triplicate, as the case may be, a notification of concurrence in the order of removal in the form annexed for the signature of His Excellency the Governor as required by His Majesty's Order in Council, dated the 9th September 1907, and will also issue the necessary warrant under section 7 of the Colonial Prisoners Removal Act, 1884, directing the prisoner's removal to the United Kingdom or to a British possession. The Government of Bombay will send one copy of the notification of the concurrence to the Secretary of State. In the case of the removal of a prisoner to a British possession, a copy will also be sent to the Governor of the Colony to which the prisoner is to be removed.

NOTE.—The above procedure will not apply to the removal of a prisoner from one British possession to another in pursuance of an agreement made between such possessions and sanctioned by Order in Council under the provisions of the Colonial Prisoners Removal Act, 1869.

7. When it is desired to remove prisoners under warrant by troopship, the Government of Bombay will ascertain direct from General Officer Commanding, Bombay District, whether a passage can be provided and the name of the Officer Commanding the troops on board. In this case the warrant-copy attached under section of the Colonial Prisoners Removal Act, 1884, shall confer the requisite authority upon the Officer Commanding the troops on board.

8 Considerable time will be expended in carrying out the procedure described above, and it is essential that no delay shall occur in addressing the Government of India so as to enable them to obtain the Secretary of State's order of removal as soon as possible. Accordingly when the term of imprisonment is less than three months, the Government of India should be communicated with by telegraph.

NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A PRISONER

Colonial Prisoners Removal Act, 1881

Whereas an order has been made under the Colonial Prisoners Removal Act 1881, by one of His Majesty's Principal Secretaries of State for the removal of A B a prisoner now in custody in the colony (or presidency or) of to the United Kingdom [or the colony (or protectorate or) of]

Now I, the Governor (or Lieutenant-Governor or the Officer administering the Government) of the colony (or presidency or) of with the advice of the Executive Council of the said colony (or) hereby concur in the said order of removal.

As witness my hand this day of

19

III.—WARRANT FOR REMOVAL OF A PRISONER

Colonial Prisoners Removal Act, 1881

To C D the keeper of the Prison, and to E F and G H Whereas an order has been made under the Colonial Prisoners Removal Act, 1881, by one of His Majesty's Principal Secretaries of State with the concurrence of the Government of the colony [or presidency, or] of [and the Government of the colony (or presidency, or) of] for the removal of A B a prisoner now in the custody of you, the said C D, under a sentence of penal servitude [or imprisonment or, as the case may be] for the term of years from the day of [or for life] to the United Kingdom [or to the colony (or presidency, or) of], there to undergo the residue of the said sentence. Now I do hereby, in pursuance of the said Act, order you, the said C D, to deliver the body of the said A B into the custody of the said E F and G H or one of them, and I do hereby, in further pursuance of the said Act, authorize you the said E F and G H, or either of you, to receive the said A B into your custody and to convey him to the United Kingdom [or to the colony (or presidency, or) of],

and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [or of the Governor of the said colony (or presidency, or)] to receive him for the purpose of giving effect to the said order of removal.

And for so doing this shall be your warrant

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State [or Governor of],
this day of 19 .

1103 The death of an European military convict should always be reported to the Adjutant General of the Army.

1104. Except in so far as they are inconsistent with the rules in this chapter, all rules regarding convicted prisoners apply to European and Eurasian convicts.

NOTE—If any doubt exists as to the nationality of a prisoner, a reference shall be made to the Inspector General, who shall decide as to how the prisoner shall be classed.

CHAPTER XLVI.

STATE PRISONERS AND PRISONERS SENTENCED IN NATIVE STATES.

1105 When any person committed for safe custody under the provisions of Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, is placed in any prison, an immediate report of the circumstances shall be made by the Superintendent to the Inspector-General. This report shall contain a record of the rank and name of the State prisoner, of the order directing his detention, of the provision made for his safe custody, of the special diet which is to be issued, of the particular ward in which he is to be confined, and of his treatment generally, and the Inspector-General shall issue such orders on these subjects as he may consider necessary for the health and comfort of such prisoner, care being taken that such orders are not inconsistent with the instructions of Government regarding his treatment and safe custody. If no instructions have been issued by Government, the Inspector-General shall apply for the same. When a prisoner of this class is confined in a prison, a report in Form No 76 shall be submitted on the 1st January and 1st July of each year.

1106. When any convict sentenced in a Native State is confined in a British Prison, the cost of maintenance shall be recovered at the rate of Rs 75 per annum for each convict, irrespective of the supposed earnings for which no credit is allowed. The maintenance charge of a European convict is Rs. 100 per annum. The charge should be recovered in annual bills. Charges for days of transit should be included in the

bills of transferring Jail. Charges for day of admission no matter at what hour the prisoner arrives, should be shown in the bills of receiving Jail. (Government Resolutions Judicial Department Nos 2814 and 4111, dated 25th May 1906 and 31st July 1905.)

1107 If a convict of the class referred to in Rule 1103 dies, information of the death shall be communicated to the Resident of such State, and when the sentence of a prisoner received from the Hyderabad State is about to expire, i.e. three months before release, the Superintendent shall apply to the Inspector-General for an order under Act III of 1861 directing the foreign convict, on release, to quit British India by a prescribed route.

CHAPTER XVIII

LEPERS

1108 Any under-trial prisoner suffering from leprosy and any convict leper, whose segregation the Medical Officer recommends shall be segregated from all other prisoners in a cell, ward or temporary shed being set apart for the purpose. Care shall be taken that such confinement is not solitary. The prisoner shall see and may converse with other prisoners and if he is a convict sentenced to rigorous imprisonment, he shall not be given any work which is likely to be handled by others.

1109 If the disease is in an advanced stage or if for other reasons it seems advisable the Inspector General shall order the transfer of the convict from the prison in which he is confined to a prison where accommodation is set apart for this class of prisoners.

1110 Upon any convict suffering from leprosy being admitted into any prison except those of Yeravda and Hyderabad a nominal roll regarding him shall be submitted to the Inspector General, together with a brief medical case which shall state amongst other matters, whether the disease is in the ulceration stage, or not, and whether the Medical Officer recommends the convict's removal to a prison where there is a leper ward. Wards for leper convicts shall be provided in the two prisons named in this rule.

1111 Cells or wards which have been occupied by lepers shall be limowashed and thoroughly cleaned before any other prisoner is confined in them. The prison clothing used by a released leper shall either be disinfected or destroyed as may be recommended by the Medical Officer.

1112. When a leper prisoner is travelling by rail, due notice of the fact shall be given to the Railway authorities.

CHAPTER XLVIII.

LUNATICS.

1113 Lunatics may be divided into five classes —

- (1) Persons supposed to be lunatics and under observation under Act XXXVI of 1858,
- (2) prisoners who have become insane after their conviction and admission into prison;
- (3) prisoners incapable of making their defence owing to unsoundness of mind, and detained under Section 466 of the Code of Criminal Procedure pending transfer to a lunatic asylum,
- (4) prisoners who have been tried for a criminal offence and who have been found to have committed the act alleged, but who have been acquitted on the ground of having been insane when the act was committed, and who are detained under Section 471 of the Code of Criminal Procedure either permanently or pending transfer to a lunatic asylum;
- (5) recovered lunatic remanded from an asylum to a prison in view to ultimate release

1114 Whenever a lunatic prisoner of any of the above classes is found to be dangerous, noisy, or of filthy habits, he shall be confined in a cell, and he shall be daily visited by the Medical Officer

1115 The observations made by the Medical Officer regarding a lunatic shall be recorded in Register No. 34

1116 Persons falling within class (1) of the classes specified in Rule 1113 are non-criminal lunatics, and will in due course, when the Magistrate has made a final order under sections 4 and 5 of Act XXXVI of 1858, either be released or transferred to a lunatic asylum. Non-criminal lunatics shall be entirely excluded from all statistical returns relating to prisons

1117 The following rules regulating the detention, care and treatment of supposed lunatics under observation under the provisions of Act XXXVI of 1858 have been made by Government under Section 6A of that Act as amended by Act XVIII of 1886:—

Rules.

- 1 A person ordered to be detained under Section 6A (Act XXXVI of 1858, the Lunatic Asylums Act, clause (3), as amended by Act XVIII of 1886) in any district where there is a Lunatic Asylum, shall be sent to such asylum.
2. If there is no lunatic asylum within the district, the supposed lunatic shall be sent to a jail, lock-up, hospital or dispensary, as may seem most appropriate

to the Magistrate or in Bombay the Commissioner of Police, regard being had to the supposed lunatic's apparent condition and the means of accommodation and guarding and the facilities of skilled observation available in each case

- 3 The Magistrate or in Bombay the Commissioner of Police, may, in his discretion, make special provision for the guarding of the supposed lunatic by Police officers

1118 Under Section 6A of Act XXXI of 1858, as amended by Act XVIII of 1883, the maximum period during which a person arrested under Section 4 can be detained for observation is fourteen days. Immediately on the expiry of this period, the Superintendent shall address the Court under whose warrant the person is detained pointing out that the maximum authorized period of detention has expired and requesting sanction to release the person detained. If by the end of seven more days the Superintendent has not received the Court's order to release the person detained, he shall report the matter to the Inspector General

1119 Persons falling within classes (2) (3), (4) and (5) of the classes specified in Rule 1113 are criminal lunatics.

1120 When a convict is suspected of labouring under any form of mental aberration and is placed under observation, it should be at once ascertained by telegram from the Surgeon General with the Government of Bombay in what asylum the prisoner, if found to be a lunatic, can be confined. As soon as the decision to send the convict away to an asylum has been formed, his case should be immediately reported *direct* by the Superintendent to the Secretary to Government Judicial Department. The application should state either that there is room for the lunatic in a certain asylum or that the information on this point has been sought and will be sent as soon as possible by telegram. G. R., J. D., No 3070 dated 4th June 1903

1121 The Superintendent in submitting a case under the preceding rule for the orders of Government, shall forward with it—

- (a) copy of the convict's warrant
- (b) nominal roll of the convict,
- (c) a certificate of the Medical Officer in Form A in the schedule annexed to Act XXXVI of 1858, and
- (d) a medical history sheet in the form shown in Appendix A of G. R. J. D., No 8059, dated 25th November 1896

NOTE.—In submitting such cases the following information should be noted in the last column of the Nominal Roll:—

- (a) Date of admission into jail of person
- (b) Date on which the convict first showed signs of insanity
- (c) Date on which he was placed under medical observation.
- (d) Date on which he was declared a lunatic by the Medical Officer

1122 On receipt by the Superintendent of a warrant from Government issued under the provisions of Section 30 of Act III of 1900, he shall forward the lunatic to the asylum specified in the order of Government together with the following documents —

- (a) copy of the warrant for holding the prisoner in confinement in prison,
- (b) a list of the prisoner's private property, and
- (c) a certificate from the Medical Officer that the prisoner is fit to travel (Rule 1129)

1123. The warrant under which the prisoner was confined in prison shall be returned, duly endorsed, to the Court that issued it, immediately after the convict is transferred to the lunatic asylum.

1124 Prisoners confined under Sections 466 and 471 of the Code of Criminal Procedure shall be dealt with in accordance with the orders which the Government may pass on their case. Under Section 471 (4) of the Code of Criminal Procedure the Government has empowered Superintendents of Prisons to discharge all the functions imposed on the Inspector-General by Sections 472, 473, or 474 of the Code

1125. When a prisoner confined under Section 466 of the Code of Criminal Procedure is certified to be capable of making his defence, the certificate made under Section 473 shall be sent together with a medical history of the case, which should include information as to his conduct while in prison, to the Court before which he is to be tried, in view to the Court appointing a time for trial.

1126 When any prisoner confined under Sections 466 and 471 of the Code of Criminal Procedure is transferred to a lunatic asylum under the orders of Government, the certificate in Form A in the schedule annexed to Act XXXVI of 1858, shall be sent with him.

1127. Every lunatic shall receive the ordinary prison diet unless the Medical Officer otherwise directs. Persons falling under class (1) of the classes specified in Rule 1113 may be supplied with food from outside the prison, under the same conditions as are prescribed for under-trial prisoners

1128 When a prisoner is sent to a lunatic asylum, all property in the prison belonging to him shall be sent with him and a receipt obtained

1129 No lunatic shall be transferred to any asylum unless he is certified by the Medical Officer to be in a fit state to travel. Every precaution shall be taken to secure that the lunatic is properly cared for on the journey, that a proper escort is sent with him, and that due arrangements are made regarding his clothing, bedding and food. Fetters shall not be used unless absolutely necessary.

1130 The persons falling within class (b) of the classes specified in Rule 1113 are lunatics who are believed to have recovered and who are transferred to a prison by order of Government to undergo a certain period of probation before release. Regarding this class, rules have been laid down in the accompaniments to G. R., J. D. No 1803 dated 3rd April 1889.

1131 Whenever a recovered criminal lunatic is received into a prison from a lunatic asylum he shall be entered in Register No 3 and the period of probation he has to serve, according to the rules contained in the accompaniments of the Government Resolution quoted in the preceding rule, shall be shown in column 23 of the register.

1132 Particulars regarding recovered criminal lunatics shall be shown in the registers in which convicts are usually accounted for but they must be omitted from the figures appearing in the monthly and annual judicial statements. A note however, should be made at the foot of these returns showing the number of this class of prisoners in confinement.

1133 Whenever there is a recovered criminal lunatic in a prison a note regarding his conduct shall be made on the monthly Judicial Return Form No 62.

1134 Recovered criminal lunatics shall, if they are not fit for employment as convict officers, be employed on some light form of labour (see rule 11 of the rules in the appendix of the Resolution quoted in Rule 1130). They shall wear prison clothing and be treated in all respects as ordinary convicts.

1135 When it is proposed to recommend a recovered criminal lunatic for release, the case shall be brought before the Official Visitors at a Quarterly Meeting so that they may have an opportunity of recording any remarks they may consider necessary. The recommendation together with the remarks shall then be submitted to the Inspector General with a view to the same being forwarded to Government.

1136 When submitting a case under the preceding rule a nominal roll of the recovered lunatic shall be forwarded under a covering letter to the Inspector General, and the following information shall be given:—

- (a) Date of committal to asylum
 - (b) asylum from which received
 - (c) number and date of Government order,
 - (d) sanctioning removal to the prison,
 - (e) date of arrival in the prison,
 - (f) opinion of Medical Officer on prisoner's condition,
 - (g) conduct of prisoner in prison and
 - (h) work on which employed in prison.
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CHAPTER XLIX

CIVIL PRISONERS

Sections 3 (4), 31, 32, 33 and 34 of the Prisons' Act, 1894.

1137. Every civil prisoner shall be confined in the civil jail or portion of the criminal prison set apart for civil prisoners, and shall not be allowed to hold communication or be associated with criminal prisoners.

1138. Civil prisoners include two classes—

- (1) Civil debtors confined under a warrant in execution of a decree of a Civil Court.
- (2) Persons sentenced to confinement in a civil jail under sections 318, 332 or 514 of the Code of Criminal Procedure or otherwise.

1139. The Inspector-General, the Official Visitors, the Superintendent and other officials and subordinates of the Common Prison possess the same powers in respect of civil prisoners as in respect of other classes of prisoners, except when distinction is made in these rules. (Rule 500)

NOTE.—Except under the Prisoners' Act of 1900 no civil prisoner shall be transferred from one civil jail to another

1140 Every civil prisoner on admission into jail shall be entered in Register No 41—Register of civil prisoners.

1141 In the case of judgment-debtors committed to Jail by the order of a Court other than the Court of Small Causes, Bombay, before the debtor be sent to Jail the first payment of diet money shall be made for such period of the current month as remains unexpired to the proper officer of the Court, and such officer shall send the amount paid with the Civil prisoner to the Jailor. In the case of Civil prisoners sent to Jail by the order of the Court of Small Causes, Bombay, the Jailor shall pay the diet money out of the permanent advance in hand for such portion of the current month as remains from the date of the arrival of the debtor in the civil jail. The Jailor shall, in the latter case, at the close of each week submit his bill to the Executive Department of the Court of Small Causes, Bombay, in Form E of the forms printed as an accompaniment to Government Resolution, Judicial Department, No 1359, dated the 21st February 1896, for repayment of the sum spent which when recovered shall be credited to the permanent advance. Subsequent payments (if any become due) shall be made to the Jailor by the decree-holder before the 1st day of the month in advance for the full amount to be expended in the ensuing month. Should the decree-holder omit to pay the allowance as above, the Superintendent shall, without reference to the Court, release the judgment-debtor. The release shall take place on the morning of the day for which no allowance has been paid. A receipt shall be given to the decree-holder for subsistence money paid into the Jail, the amount received being credited in the Civil Jail Cash Book.

1142 After a civil debtor has been released if there be any balance of diet money in the Jailor's hands it shall be returned to the Court under whose warrant the debtor was detained in the Civil Jail

1143 A judgment debtor who has been committed to jail may be released therefrom by the Local Government on the ground of his suffering from any infectious or contagious disease, or by the committing Court, or any Court to which that Court is subordinate on the ground of his suffering from any serious illness. Whenever a civil debtor is found to be suffering from any serious and probably communicable disease, an immediate report shall be made by the Superintendent to the Inspector General with a view to Government being moved to release him. If a civil debtor is found to suffer from any serious illness likely to cause his death, the case shall be reported by the Superintendent to the committing Court

1144 Extracts from the Code of Civil Procedure, containing the provisions relating to insolvency, shall be posted up in the civil jail, and civil prisoners shall be allowed to make the necessary application under the Code, should they desire, to be declared insolvents

1145 Civil debtors may be supplied with food by their friends through the Jailor at such hours as the Superintendent shall fix, in which case the subsistence allowance deposited by the detaining creditor may be made over to such friends but in other cases it shall be credited to the jail, and the Jailor shall supply the prisoners with good and wholesome food, according to their own choice, provided that the daily cost does not exceed the amount lodged by the decree holder. They may be permitted to cook their own food. If it is preferred, the money may be given to the prisoner and arrangements made for allowing him to purchase the food which he requires from the prison contractor or from an approved shopkeeper. The Superintendent shall fix the hours at which food shall be brought to and articles purchased by the prisoners. All purchases or supplies of food, clothing, bedding or other necessities shall be made through the Jailor subject to the Superintendent's sanction, and shall be examined by the Jailor before delivery to the prisoner. The Superintendent may refuse to allow the purchase of or the delivery of anything which he considers to be unnecessary, unsuitable, or unduly luxurious. If any extra articles of diet are ordered by the Medical Officer for civil debtors on medical grounds, any excess of cost beyond the daily diet money shall be borne by Government

1146 Civil prisoners (class 2) shall be allowed diet on the scale provided for non-labouring criminal prisoners at the expense of Government and shall have their food cooked and supplied by convicts. All extras ordered by the Medical Officer shall be paid for by Government.

1147 Civil prisoners of all classes shall be allowed to use their own clothing, bedding and eating and drinking vessels

They may be allowed to smoke, but not to use intoxicating drugs or liquors, except subject to the recommendations of the Medical Officer. Books or newspapers of an unobjectionable kind may be allowed at the option of the Superintendent, who shall examine them before delivery to the prisoners.

1148. Civil prisoners may see their friends between 8 A.M. and 4 P.M. on week days under such conditions as may be judged suitable by the Superintendent. They shall also be allowed to write letters when they wish to do so, but must provide their own writing materials. The Superintendent may open and examine any letter to or from a civil prisoner and withhold any which appear to him to be objectionable, until the prisoner is entitled to release. If any prisoner is found to be abusing the privilege of writing or receiving letters, it may be withheld by the Superintendent, who shall record his reasons in Register No. 12. No visitor shall be allowed to take within the civil jail articles of any kind without the permission of the Superintendent.

1149. No part of any food, clothing, bedding or other articles belonging to or delivered to any civil prisoner shall be given, hired or sold to any other prisoner. Any civil prisoner transgressing this rule shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper, and any civil prisoner committing an offence under section 42 of Act IX of 1894 shall be prosecuted before a Magistrate.

1150. Civil prisoners must be properly dressed when leaving their rooms or wards during the day, they must stand up when any inspecting officer or authorized visitor visits the civil ward or jail, must answer any questions put to them by such officers or visitors in the discharge of their duty, and otherwise treat them with respect, and they must comply with the regulations of the jail and the Superintendent's orders. Any civil prisoner assaulting or insulting another prisoner or jail officer, or quarrelling or talking loudly or boisterously, or guilty of indecent or immoral conduct, or communicating with outsiders in an unauthorized manner, or bribing or attempting to bribe any jail officer, or gambling, or spitting about and soiling the ward, verandah or passages, or disobeying the orders of or showing disrespect to the jail authorities or official visitors in any way, may be punished under the rules laid down in Chapter XX. (Rule 500.)

1151. Any civil prisoner by escaping commits an offence under Section 225B of the Indian Penal Code. On the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment-creditor, who may, if he be able to ascertain the whereabouts of the prisoner, assist the jail authorities and the police in recapturing him. On recapture after escape, or on an attempt to escape, the prisoner shall be prosecuted before a Criminal Court.

NOTE—The rules in this chapter apply only to civil prisoners in the City of Bombay.

CHAPTER L

REGISTERS, RETURNS, CORRESPONDENCE, RECORDS ETC.

Sections 12, 10 and 51 of the Prisons Act

1152. The following registers shall be maintained in all prison offices. The opening page of each of these registers has explanatory notes regarding the keeping of such register —

- 1 Under trial register
- 2 Prisoners' property register
- 3 Convicted prisoners' register
- 4 Release diary
- 5 Employment register
- 6 Remission register
- 7 Punishment register
- 8 Fetter register
- 9 Escape register
- 10 Locking up register
- 11 Gate register
- 12 Superintendent's order book
- 13 Jailor's report book
- 14 Official visitors book
- 15 Diet register
- 15A Grain store register
- 16 Prison cash book
- 17 Cash ledger and register of contingencies
- 18 Receipt book
- 19 Muster roll
- 20 Acquittance roll
- 21 Convict officers' gratuity register
- 22 Clothing register
- 23 Dead stock register
- 24 Prison factory and extra mural labour account-book.
- 25 Do do ledger
- 26 Register of daily expenditure of raw materials.
- 27 Ledger of raw materials
- 28 Ledger of manufactured articles
- 29 Factory order book
- 30 Inward letter register
- 31 Outward letter register

NOTE.—S. o Rule 253 regarding Register No. 3.

- 32 Warder's delivery book.
- 33. Medical Officer's journal.
- 34 Health register
- 35. Register of sick (with index).
- 36 Convalescent register (with index).
- 37. Register of extra diet given to prisoners
- 38. Requisition book.
- 39 Register of hospital outward and inward letters
- 40 Register of civil prisoners.

1153 The following are the returns which should be prepared and submitted as directed : —

Daily

Report of seizures and deaths—when disease is epidemic.

Weekly.

Accommodation return—every Saturday.

Extract from Official Visitors' book— every Saturday.

Monthly

Cash balance report—day after close of month

Return of sick and sanitary report—five days after close of month.

Abstract contingent bill.

Abstract prison manufacture bill.

} Seven days after
close of month
to Treasury.

Detailed prison manufacture bill.

Printing press bill.

Judicial return with accompaniments.

Labour and financial return

Memorandum of factory receipts and pay-
ments into treasury.

} Fifteen days
after close of
month

Statement B of articles supplied to Government Departments during the month.

List of habituals to be released—20th of each month to police.

Quarterly.

Return of transportation of convicts.

Unanswered references from Inspector-General

Unanswered references to Inspector-General

} Within thirty
days after
close of the
quarter.

Half yearly

Report regarding political prisoners—1st January and 1st July

Allowance of hospital assistants } January and
Return of establishment. } July

Statement of unserviceable dead stock }
Report of manufactured stock and raw materials } May and November

Annually

Return of sick and sanitary report—10th January

Indent for Stationery—15th January

Report on securities of officials—20th January

Administration report, with tabular Statements—1st February

List of landed property held by officials—1st February

Tenders for provisioning, with statements—March

Statement of landed property } 1st April to the authority
or the Declaration in } by whom the appoint-
form B } ment is made

Report on Permanent Advances } 5th April, Accountant
Establishment return } General

Indent for Europe stores—7th April

List of adjustments with } 7th April to Accountant Gene-
Prisons and Jails } ral

Indent for English seeds—15th April

Prisoners' private cash report—15th April

Estimate of Prison clothing—20th April

Bills for maintenance of prisoners } 15th April
from Native States }

Return of expenditure on stores—15th May

Certificate of having inspected } 1st of June and when
articles of Dead Stock } charge of office is trans-
ferred

Estimate of stores—1st June

Budget Estimate—10th September

Indent for forms from the Central } 15th November
Prison Press }

1155. The following records shall be preserved permanently :—

The Government Gazette.

All printed reports issued by Government.

All circulars issued by the Inspector-General.

All correspondence.

Official visitors' book. Superintendent's order book.
Jailor's order book.

Note —In the matter of correspondence, the Superintendent shall exercise his discretion and shall, after a period of five years, destroy any correspondence of minor importance and which is not likely to be required again.

1156. The following records shall be preserved for ten years and then destroyed —

Annual report of Superintendent.

Abstract and detailed contingent bills.

Abstract and detailed prison manufacture bills.

Printing press bills.

Bills for maintenance of prisoners from Native States.

1157. The following records shall be preserved for five years and then destroyed —

Annual tabular statements.

Annual return of sick.

Priced statement of medicines.

Budget estimate

Estimate of warders' clothing

Labour and financial return, with invoices

Memorandum of amounts drawn and paid into the treasury.

Judicial return, with accompaniments.

Establishment return furnished to Accountant General.

Indent for Europe stores.

1158. The following records shall be preserved for two years and then destroyed —

Accommodation return.

Travelling allowance bills.

Grain compensation bills.

House-rent bills.

Estimate of prison clothing.

Whipping statement

Return of unanswered references.

Return of transportation convict.

Statement of unserviceable dead stock.

Report of manufactured stock and raw materials.
 Report of seizures and deaths (epidemic disease)
 Application for leave
 Report regarding political prisoners
 Report on securities of officials.
 Return of sick and sanitary report (monthly)
 Indent for English seeds.
 Prisoners private cash report
 List of building works.
 Casualty and inquest reports
 Report on executions.
 List of prices current
 Cash balance report
 Report on Permanent Advance (furnished to Accountant General)
 List of adjustments with prisons and jails.
 Security bonds of provisioning contractors.

1159 For the filing of correspondence, the following files shall be maintained in prison offices —

- 1 Annual report
- 2 Budget estimate
- 3 Buildings.
- 4 Bills, with objection statements
- 5 Clothing
- 6 Dead stock, tools and plant.
- 7 Diet
- 8 Establishment
- 9 Factory, labour and financial returns, and correspondence
- 10 Inspections.
- 11 Judicial
12. Miscellaneous (subjects for which no special file is provided)
- 13 Prisoners' transfer
- 14 Printed forms and stationery indents
- 15 Returns (for which no special file is provided)
- 16 Circulars (all circulars issued by the Inspector General)
- 17 Discipline.
- 18 Escape.

1160 Records such as applications for copy of finding appeal intimations to Magistrates, register of petitions to the High Court, rejections of appeal, intimation of recovery of fine, etc.

shall be retained as long as the warrant, with which they connected, is in force and may be returned with the warrant. See Chapter X, High Court Circulars—Criminal—.

1161 The classification of contingent expenditure may be found in Government Resolution, Judicial Department, No. 8 dated 28th December 1894.

1162. All bills submitted to the Inspector-General shall contain every item of expenditure incurred during the month and no payment shall be left to be adjusted or charged for subsequent months.

CHAPTER LI.

RULES FOR THE GUIDANCE OF THE SUPERINTENDENTS AND JAILORS OF THIRD CLASS SUBSIDIARY JAILS.

Section I—The Superintendent.

G. R., J. D., No 2126, dated 22nd April 1908. 1163 The Superintendent is vested with the execution and management of the Subsidiary Jail in all matters relating to discipline, labour, expenditure and control generally, subject to the orders of the District Magistrate.

1164. He shall visit the Jail daily excepting Sundays and holidays when visits should be made as occasion arises.

1165. He shall satisfy himself that all Jail Registers are regularly written up.

Note.—The following Registers shall be kept in a Third Class Subsidiary Jail :—

Form A.—Register of Under-trial Prisoners.

„ B.—Register of Convicted Prisoners.

„ C.—Register showing Daily Totals.

„ D.—Monthly Statement.

„ E.—Names of *en route* Under-trial Prisoners in Jail

„ F.—Names of *en route* Convicted Prisoners in Jail

„ G.—Register of Dead Stock.

1166. He shall every six months examine all dead stock appertaining to the Jail and shall in December of each year submit a report to the District Magistrate showing the result thereof.

1167. He shall satisfy himself that no prisoner, whether under-trial or convicted, is detained in the Jail except under a usual magisterial warrant or unless he is a prisoner *en route* on charge of an escort.

1168 He shall make the necessary arrangements for the supply of provisions to the prisoners.

1169 He shall at least once a week inspect provisions and satisfy himself by personal observation regarding the quality of articles of food supplied for the use of prisoners

1170 He shall enforce cleanliness in every part of the Jail

1171 He may grant permission for the supply of food and clothes to under trials by their friends and may authorize visits to such prisoners under proper supervision

1172 He may handcuff and fetter any prisoner when necessary for security

1173 He may handcuff and fetter any refractory prisoner

1174 He may order any prisoner who after due warning commits any of the acts named below to be confined by handcuffs, reporting such cases to the District Magistrate (handcuffs may be imposed on the wrist in front by day for a period of not more than twelve hours and not for more than four consecutive days):—

- (1) Talking, laughing or singing after having been ordered to desist
- (2) Quarrelling with any other prisoner
- (3) Being insolent or insubordinate to any official or doing or saying anything calculated to offend or annoy a fellow prisoner
- (4) Doing an act calculated to create alarm in the minds of the prisoners or officers of the Jail
- (5) Committing a nuisance in any part of the Jail premises.
- (6) Spitting on or otherwise soiling any floor, door, wall or other part of a Jail building or any article in the Jail
- (7) Wilfully befouling the wells, latrines, washing or bathing places
- (8) Causing or omitting to assist in suppressing violence or insubordination of any kind
- (9) Taking part in any attack upon a prisoner or officer of the Jail.
- (10) Disobeying any lawful order of an officer of the Jail or omitting or refusing to perform duties in the manner prescribed

1175 He may prescribe suitable in-door or out-door work for the prisoners, having regard to the health and habits of each prisoner

Section II — The Jailor

1176 He shall visit the Jail daily and see that the wards are properly cleaned and lighted

1177. He shall not be expected to visit the Jail after the closing hour unless something of an unusual nature should occur, such as a fire, riot, escape, death of a prisoner or to attend to any urgent communication relating to the Jail which may reach him.

1178. He shall keep all the Jail registers

1179. He shall secure the safe custody of and enforce discipline among prisoners, taking care to keep female prisoners apart from male prisoners

1180 He shall be responsible for the safe custody of all warrants committed to his charge and also of the private property of prisoners

1181 He shall count the prisoners morning and evening and satisfy himself that no prisoner is detained in the Jail except under the usual magisterial warrant or unless he is a prisoner *en route* in charge of an escort.

1182 He shall daily inspect the prisoners' food and satisfy himself as to its quality.

1183. He shall at once bring to the notice of the Superintendent misconduct on the part of a prisoner.

1184. In the absence of the Superintendent of the Jail, he may handcuff any refractory prisoner

Section III.—General Rules

1185. The time of opening and closing the Jail shall be determined by the Magistrate of the district

1186. The keys of cells shall be in the charge of the Head Constable in command of the Guard day and night.

1187. No prisoner shall be *formally* admitted into or released from the Jail except during the hours when the Jail is open. When the Jail is closed the Head Constable in command of the Guard shall admit into the Jail any prisoner who may arrive and make arrangements for his safe custody and shall also permit any prisoner, regarding whom he has received instructions from the Jailor, to leave the Jail.

1188 The Head Constable in command of the Guard shall, when the Jail opens, report to the Jailor the name of any prisoner who may have arrived at or left the Jail during the time the Jail was closed.

1189 The Head Constable in command of the Guard may, in case of necessity and between lock-up and opening time, remove a prisoner from a ward and place him for safe custody either in a hospital or in any part of the Jail Building. When the Jail is opened the Head Constable shall take orders from the Jailor before he removes a prisoner from or admits a prisoner to a cell.

1190 The property of convicted prisoners arriving at a Third Class Subsidiary Jail between the hours of closing and opening shall be temporarily taken over by the Head Constable in command of the Guard who shall hand over the same to the Jailer on the arrival of the latter officer at the time of opening the Jail

1191 In the case of the death of a prisoner, the Superintendent shall report the same to the District Magistrate, for warding at the same time the casualty report duly signed by the Sub-Assistant Surgeon Should the death be due to suicide, violence or unnatural causes, the Superintendent will see that a proper inquest is held

1192 In the case of an escape of a prisoner, the Superintendent shall immediately (by wire if possible) report the same to the District Magistrate and District Superintendent of Police, at the same time notifying the nearest Police authorities of the fact, giving a full description of the escaped convict Should the prisoner belong to another District, similar information should at once be sent to the Police authorities of that District Subsequently after holding an investigation, a detailed report dealing with the matter shall be submitted to the District Magistrate

